

Closed Caption Log, Council Meeting, 11/30/06

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME COMMANDER STEVE ELLIS FROM THE SALVATION ARMY, WHO WILL LEAD US IN OUR ENVOY INDICATION, PLEASE RISE -- INVOCATION, PLEASE RISE.

I AM HONORED TO BE HERE TODAY. TO HAVE THE OPPORTUNITY TO SERVE THE PEOPLE OF THE AUSTIN AREA THROUGH THE SALVATION ARMY, COLLABORATING WITH OTHERS WHO ARE WORKING FOR THE GOOD OF ALL. IN THE 13th CENTURY AN ITALIAN MAN NAMED FRANCES LEFT EVERYTHING THAT HE HAD TO BRING A SIMPLE MESSAGE OF LOVE, PEACE, GOODNESS TO ALL. OTHERS FOLLOWED IN WHAT BECAME THE FRANCISCAN ORDER. IN THE 19th CENTURY AN ENGLISH COUPLE NAMED WILLIAM AND KATHRYN BOOTH LEFT ALL THEY HAD IN THE METHODIST CHURCH TO DEDICATE THEIR LIVES BRINGING LOVE AND PEACE AND GOODNESS TO ALL THROUGH THE GROUP THEY FOUNDED NAMED THE SALVATION ARMY. MEN AND WOMEN OF DIFFERENT TRADITIONS COME TOGETHER AND RESPOND TO A CALL TO LIVE SACRIFICIALLY. IN THE SPIRIT OF RECOGNIZING OUR COMMON CALL TO SERVICE AS A SALVATIONIST I WOULD LIKE TO OFFER A PRAY. MAY GOD BLESS YOU WITH COMFORT, SO THAT YOU MAY LIVE DEEP WITHIN YOUR HEART. MAY GOD BLESS YOU WITH ANGER AT INJUSTICE, OPPRESSION AND EXPLOITATION OF PEOPLE, SO THAT YOU MAY WORK FOR JUSTICE, FREEDOM AND PEACE. MAY GOD BLESS YOU WITH TEARS TO SHED, FOR THOSE

WHO SUFFER PAIN, REJECTION, HUNGER AND WAR. SO THAT YOU MAY REACH OUT YOUR HAND TO COMFORT THEM AND TO TURN THEIR PAIN INTO JOY. AND MAY GOD BLESS YOU WITH ENOUGH FOOLISHNESS TO BELIEVE THAT YOU CAN MAKE A DIFFERENCE IN THE WORLD AND THE CITY. SO THAT YOU CAN DO WHAT OTHERS CLAIM CANNOT BE DONE, TO BRING JUSTICE AND KINDNESS TO ALL OUR CHILDREN, TO THE POOR, AND ALL IN THIS COMMUNITY AND GOD'S PEOPLE SAID AMEN.

THANK YOU, COMMANDER, FOR ALL THE SALVATION ARMY DOES, PARTICULARLY THIS TIME OF YEAR. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY, NOVEMBER 30th, 2006, APPROXIMATELY 10:15 A.M., WE ARE IN THE CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE -- TO NOTE THAT ITEMS NUMBER 2 AND 11 ARE TO BE POSTPONED TO DECEMBER 14th, 2006. ITEM NO. 22, IS TO BE POSTPONED TO DECEMBER 7th, 2007. AND ITEM NO. 39, WILL BE POSTPONED TO JANUARY 11th, 2007. ITEM NO. 41, WE SHOULD NOTE THAT COUNCILMEMBER KIM SHOULD BE LISTED AS A CO-SPONSOR, TIME CERTAIN, NOON GENERAL CITIZENS COMMUNICATION, 4:00 ZONING CASES AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, 5:30 WE HAVE OUR LIVE MUSIC AND PROCLAMATIONS THEN AT 6:00 WE BEGIN OUR PUBLIC HEARINGS. AS OF THIS MORNING, NO ITEMS PULLED OFF THE CONSENT AGENDA. HEARING NO ITEMS TO BE PULLED, WITH THAT I WILL READ INTO THE RECORD NUMERICALLY THE CONSENT AGENDA, THOSE ARE ITEMS THAT WILL BE APPROVED THIS MORNING WITH A SINGLE UNANIMOUS VOTE. OUR ASKED WILL BE ITEM 1, 2, 3, 4, 5, 6, 7, 8, ITEM NO. 8 IS APPROVING A RESOLUTION TO RECANVAS THE RESULTS SPECIFICALLY TO WILLIAMSON COUNTY FOR OUR NOVEMBER 7th, 2006 SPECIAL MUNICIPAL ELECTION AND I'M TOLD I NEED TO READ THIS INTO OUR RECORD. SO ITEM NO. 8 IS A RESOLUTION AMENDING THE CITY'S FINAL VOTE TABULATION FOR NOVEMBER 7th, 2006 BOND ELECTION. IT DOES NOT AFFECT THE ELECTION OUTCOME. HOWEVER, IT ACCOUNTS FOR WILLIAMSON COUNTY'S VOTE

RETABULATION, WHICH INCLUDES CITY OF AUSTIN VOTERS WHO RESIDE IN WILLIAMSON COUNTY. A COPY OF THE RESOLUTION IS AVAILABLE ONLINE OR FROM THE CITY CLERK'S OFFICE AND THAT RECANVASSING RESULT OF THE WILLIAMSON COUNTY CITIZENS ARE THEN FORMALLY TABULATED INTO BOTH A HARD COPY HERE AND AN ONLINE VERSION THAT ARE AVAILABLE THROUGH OUR CITY CLERK'S OFFICE FOR THE OFFICIAL FINAL RETABULATED RESULTS OF OUR NOVEMBER 7th, 2006 SPECIAL MUNICIPAL ELECTION. CONTINUING WITH OUR CONSENT AGENDA, IT WILL ALSO INCLUDE ITEMS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 4, 35, 36 -- 34, 35, 36, 37, 38, 40.. 40, 41 PER CHANGES AND CORRECTIONS, AND AGAIN JUST TO RESTATE AS I MAY HAVE -- AS I -- I IDENTIFIED ITEM NO. 22 FOR INSTANCE, IT WAS FOR THE POSTPONEMENT TO DECEMBER 7th, 2006, AND ITEMS NUMBER 2 AND 11, THEY ARE APPROVED TO BE POSTPONED TO DECEMBER 14th, 2006. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

EXCUSE ME, MAYOR.

YES.

IF YOU COULD READ THE BOARD AND COMMISSION APPOINTMENTS INTO THE RECORD.

Mayor Wynn: EXCUSE ME. THANK YOU VERY MUCH. ITEM NO. 37 ON OUR BOARD AND COMMISSION APPOINTMENTS. FOR THE RECORD THEY ARE TO OUR ANIMAL ADVISORY COMMISSION, DR. HOWARD BLATT, A LICENSED VETERINARIAN IS MY APPOINTMENT AND TO OUR DESIGN COMMISSION PHIL READ IS COUNCILMEMBER MCCRACKEN'S REAPPOINTMENT. THAT'S ITEM NO. 37 ON THE CONSENT AGENDA. COUNCILMEMBER LEFFINGWELL.

DID YOU READ 39 AS A CONSENT POSTPONEMENT.

Mayor Wynn: YES TO JANUARY 11th, 2007. AS ONE OF THE CO-SPONSORS OF THIS ITEM, ESSENTIALLY OUR LOCAL COMMITTEE, SISTER CITY COMMITTEE FOR THIS POTENTIAL SISTER CITY HASN'T BEEN ARE OFFICIALLY FORMED YET. BY POSTPONING TO JANUARY, IT WILL GIVE THEM TIME TO PUT THE LOCAL STRUCTURES IN PLACE BEFORE WE APPROVE

POTENTIALLY THE SISTER CITY. AGAIN I WOULD ENTERTAIN A MOTION ON THE CONSENT AGENDA AS READ. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS -- I'M SORRY, COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS?

MAYOR? I'M SORRY TO INTERRUPT. APPARENTLY ITEMS 12 AND 13 ARE RELATED TO A PUBLIC HEARING THAT CAN'T BE TAKEN UP UNTIL AFTER THE PUBLIC HEARING. WOULD COUNCILMEMBERS MARTINEZ AND LEFFINGWELL CONSIDER IT A FRIENDLY AMENDMENT TO PULL ITEMS 12 AND 13. THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WITH 12 AND 13 BEING OUR ONLY PULLED ITEMS YET RELATED TO A PUBLIC HEARING THAT WE CAN'T TAKE UP, I SUSPECT, UNTIL AFTER 6:00 P.M., CORRECT, POSTED FOR A 6:00 P.M. PUBLIC HEARING, THERE'S -- THERE'S NO DISCUSSION ITEMS TO TAKE UP HERE THIS MORNING BEFORE OUR GENERAL CITIZENS COMMUNICATION. SO WITHOUT OBJECTION, WE WILL GO NOW INTO CLOSED SESSION TO TAKE UP POTENTIALLY ITEM NO. 42, RELATED TO OUR CITY'S M/W.B.E. PROGRAM AND ITEM NO. 43, LEGAL ADVICE RELATED TO THE HOMESTEAD PRESERVATION ACT. THIS IS ALL PURSUANT TO CHAP -- SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT. SO WITHOUT OBJECTION, WE ARE NOW IN CLOSED SESSION, I DON'T ANTICIPATE US COMING BACK UNTIL NOON. IF WE HAPPEN TO FINISH OUR EXECUTIVE SESSION ITEMS PRIOR TO NOON, I WILL COME OUT AND ANNOUNCE THAT WE ARE FORMALLY IN RECESS. OTHERWISE WE WILL BE OUT HERE PUBLICLY AT NOON. THANK YOU VERY MUCH. MARILYN MORITZ WE ARE OUT OF EXECUTIVE SESSION. IN CLOSED SESSION WE TOOK UP ITEM NUMBER 42 RELATED TO OUR MWBE PROGRAM. AND ITEM NUMBER 43 RELATED TO THE HOMESTEAD PRESERVATION ACT. NO DECISIONS WERE MADE. WE NOW GO TO OUR NOON GENERAL CITIZEN

COMMUNICATIONS AND OUR FIRST SPEAKER IS LINDA HUTSON. APPARENTLY ISN'T HERE, TO BE FOLLOWED BY AERIAL CANE ROSE KENNEDY. WELCOME. YOU WILL HAVE THREE MINUTES.

WELCOME BACK, COUNCIL. I'M SPEECHLESS TODAY. I HAVE A LITTLE REQUEST OF Y'ALL. I'VE BEEN COMING HERE FOR ABOUT A YEAR, AND I'VE NEVER ASKED Y'ALL FOR ANYTHING, BUT I'VE GOT A LITTLE PROBLEM. PRETTY OFTEN SOME OF THE THINGS THAT I SAY DON'T MATCH WHAT -- WHAT YOU SEE OF ME DOESN'T MATCH WHAT I SAY BECAUSE I MANIPULATE WORDS, I USE THE WRONG WORDS OR Y'ALL INTERPRET THE WORDS THAT I USE SOMETIMES, MISINTERPRET. AND ALL I'M ASKING, I'M LOOKING FOR A VOLUNTEER OUT OF ANY OF Y'ALL TO LOOK AT ME WHEN I TALK. THAT'S ALL I'M ASKING. IT'S REALLY HARD TO TALK TO SOMEBODY WHEN THEY'RE NOT LOOKING AT YOU. AND LOOKS ARE DECEIVING, BUT SOUNDS ARE MORE DECEIVING, I THINK. AND THIS IS HARDER THAN HAVING BREAKFAST WITH A MAN BEHIND A NEWSPAPER BECAUSE THERE'S NINE OF Y'ALL. AND I DON'T KNOW WHAT Y'ALL ARE LOOKING AT, I MEAN, Y'ALL ARE SITTING DOWN, LOOKING DOWN TO ME. I'M STANDING UP LOOKING UP TO Y'ALL, AND IS IF YOU COULD JUST FAKE IT IT WOULD BE FINE. IF YOU'RE HEARING ME, BUT YOU'RE NOT LISTENING, I CAN ACCEPT THAT, BUT I'D REALLY APPRECIATE IT. I'M NOT REALLY EVEN TALKING TO Y'ALL, I'M TALKING BEHIND Y'ALL TO THE ISSUES I'VE ADDRESSED. I HAVEN'T ASKED Y'ALL TO DO ANYTHING BECAUSE I'M AIMING AT THE PEOPLE THAT I BELIEVE CAN HELP THEMSELVES BY ME MAYBE GIVING THEM IDEAS ON HOW. SO THEY WON'T EVEN HAVE TO COME TO Y'ALL. SO THANK YOU. AND THANK YOU AGAIN FOR SERVING.

Mayor Wynn: THANK YOU, MS. KENNEDY. OUR NEXT SPEAKER IS JOHN KIM. WELCOME MR. KIM. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DON WILLIAMSON.

MY DEAR, HONORABLE AUSTIN CITY MAYOR, WILL WYNN AND HONORABLE MAYOR PRO TEM BETTY DUNKERLEY AND MY HONORABLE COUNCILMEMBER LEE LEFFINGWELL, AND MIKE MARTINEZ AND JENNIFER KIM AND BREWSTER MCCRACKEN AND SHERYL COLE, AND MY HONORABLE CITY CLERK (INDISCERNIBLE). I GREATLY APPRECIATE YOU ALL. YOU DO

A GREAT JOB FOR THE CITY. MY NAME IS JOHN K. KIM. I GREATLY APPRECIATE YOU ALL AGAIN FOR YOUR GREAT WORK PERFORMANCE TO MAKE AUSTIN CITY A WONDERFUL CITY AND A GREAT CITY AND BETTER THAN HEAVEN THANKS TO YOU ALL. LAST TIME I SAID AMERICA IS BETTER THAN HEAVEN AND TEXAS IS BETTER THAN HEAVEN. TODAY I'M GOING TO SAY AUSTIN IS BETTER THAN HEAVEN. I ENJOY USING METRO BUS TO ALMOST EVERYWHERE. I CAN GO TO ANYWHERE I WOULD LIKE TO GO WITHOUT ANY FEAR OF CAR ACCIDENT. I COME HERE WITH METRO BUS TODAY. SEVEN DAYS A WEEK. AND I ENJOY ELECTRICITY AND WATER, ANY KIND OF WATER I LIKE, 24 HOURS A DAY, SEVEN DAYS A WEEK. I WALKED ALONE ON THE STREET SOMETIMES AT MIDNIGHT SAFELY THANKS TO THE POLICE AND SECURITY PEOPLE. I'M WONDERING HOW COULD YOU MAKE THIS KIND OF WONDERFUL CITY? MAY I WONDER WHAT KIND OF AUTHORITY ALL OF YOU HAVE. MAY I ASK YOU TO HELP ANY RESIDENTS OF AUSTIN CITY YOU, IF SOMEONE NEEDS TO TALK TO STATE GOVERNMENT, LIKE GOVERNOR RICK PERRY OR TO THE NATIONAL GOVERNMENT, OUR HONORABLE PRESIDENT, SO THAT BOTH IS STATE GOVERNMENT AND NATIONAL GOVERNMENT AS WELL LIKE OUR CITY COUNCIL SHOULD TAKE CARE OF NECESSARY I AM PERFECTIONS TO MAKE AMERICAN DEMOCRACY AT HOME AND AUSTIN CITY MORE DEMOCRATIC AS OUR HONORABLE PRESIDENT OF THE UNITED STATES ADVERTISED SEVERAL HUNDRED TIMES, ADVERTISED DEMOCRACY, AMERICAN DEMOCRACY SEVERAL HUNDRED TIMES TO THE WHOLE WORLD. HE WOULD LIKE TO INVITE THIS WONDERFUL AUSTIN CITY COUNCIL TO REVIEW AMERICAN DEMOCRACY FOR A FAMILY OF AUSTIN CITY SO THAT BOTH NATIONAL GOVERNMENT AND STATE GOVERNMENT SHOULD RESPOND TO OUR QUESTIONS IF WE RAISE ANY QUESTIONS. [BUZZER SOUNDS] THANK YOU.

Mayor Wynn: THANK YOU, MR. KIM. DON WILLIAMSON? WELCOME, DON. TO BE FOLLOWED BY RICHARD TROXELL.

IT'S BETTER THAN LAST TIME WHEN I NEARLY GOT PASSED OVER. GOOD AFTERNOON, COUNCIL, MAYOR, CITY MANAGER. I JUST WANT TO LET YOU KNOW THAT STACY POOL IS OPEN TODAY, ABOUT 80-DEGREE WATER. IT'S A NICE SWIM THIS MORNING. I WANT TO TALK TO YOU TODAY

ABOUT TOWN LAKE AND THE ROLLING STONES BACK ON OCTOBER TWERKD, BUT FIRST A LITTLE OVERVIEW. RIGHT NOW I HAVE A PICTURE OF THE LONGHORN DAM CREATED IN 1960. BEAUTIFUL VIEWS OF TOWN LAKE AND OF THE CITY, AND THAT'S ONE OF THE REASONS WHY PEOPLE COME TO OUR CITY, THEY ENJOY THESE VIEWS AND ENJOY THE LAKE. OVER THE LAST 30, 40, 50 YEARS -- WELL, WHEN WAS THE DAM BUILT? THE DAM WAS BUILT IN 1960, SO WE'RE LOOKING AT 46 YEARS. FOR SOME OF US WE REMEMBER WHEN THERE WAS JUST A CREEK DOWN THERE. THAT'S THE LAMAR BRIDGE RIGHT THERE AND THAT WILL COME INTO PLAY A LITTLE BIT LATER. ALL RIGHT, THE JOGGING TRAILS, ONE OF THE PRIDE AND JOYS OF AUSTIN. A LOT OF PEOPLE LIKE TO GO TO THE JOGGING TRAIL AND THEY GET THE VIEWS OF THE LAKE ALSO. THE BEAUTIFUL PICTURES THAT YOU SEE THAT ARE CREATED FROM THE REFLECTION OF THE WATER AND OUR BEAUTIFUL SKYLINE. THROOTION SOME MORE -- THERE'S SOME MORE PICTURES. TOWN LAKE WHERE THEY EVEN FILMED A MOVIE ABOUT IT, I THINK JUMPING IN IT OR SOMETHING LIKE THAT. WE USED TO HAVE THE BOAT RACES DLOWN. THAT WAS A LOT OF FUN. OH, MY, RED BULL FLUTAG. I THINK THAT WAS FUN. DIDN'T GO VERY FAR, DID HE? WHAT IS THIS GUY DOING? YOU SEE HOW THE LITTLE ONES ENJOY THE LAKE AND IF YOU'VE EVER BEEN ON THE WATER OR OVER THE BRIDGES LATELY YOU MIGHT NOTICE IN THE SUMMERTIME THERE'S MORE AND MORE PEOPLE OUT ON THE WATER. SWREEFN A CARP FISHERMAN. THIS GUY CAUGHT THIS CARP AND MADE HIMSELF A QUARTER MILLION DOLLARS. EVERY YEAR THAT TOURNAMENT COMES DOWN TO AUSTIN. I THINK WE SHOULD SUPPORT SOMETHING LIKE THAT. MY NIECE. SHE ENJOYS FISHING RIGHT UNDER THE LAMAR BRIDGE. THIS WAS THE PFLUGER BRIDGE WE CAUGHT THIS LITTLE BASS. THERE SHE IS. AND YOU SEE THE FLOODPLAIN RIGHT BEHIND US. THE AUSTIN CITY LIMITS GAME AND I WAS GOING, MAN, I WANT TO DO SOMETHING. WHAT I DID IS I WAS THINKING ABOUT SOMETHING. WHY DO THE STANDARD -- SIT IN THE CROWDS. WHY DON'T YOU DO SOMETHING DIFFERENT. THIS IS WRIGLEY FIELD WHERE PEOPLE ARE BEHIND THE STADIUM. THIS IS THE AT THAT TIME PARK IN SAN FRANCISCO. THIS IS WHERE PEOPLE GATHER OUT ON THE WATER FOR THE HOMERUNS. THAT'S KIND OF DIFFERENT. ANOTHER PICTURE OF THAT. THE

ROLLING STONES ARE COMING AND I THOUGHT, MAN, I'VE GOT TO REALLY DO SOMETHING. SO -- BY THE WAY, I DID GO SEE THEM A COUPLE OF TIMES 25 YEARS AGO. LOOK AT THOSE TICKET PRICES. GOT MY BUDDY JOHN AND WE DECIDED AFTER I MADE MY RAFT WE WERE GOING TO DO SOMETHING WITH IT. YOU SEE THAT WE KIND OF MADE A ROLLING STONES RAFT. LOADED IT UP IN THE TRUCK, WE TOOK IT TO THE LAKE, THREW IT IN THE WATER, WE LAUNCHED IT. AND CAPTAIN GOT IT NOW THE WATER. YOU WILL SEE THAT A LOT OF PEOPLE ENJOYED THE DAY. YOU SAW THAT LAST PICTURE WHERE YOU SEE WHERE PEOPLE - - ALL THE PEOPLE HAD BASICALLY LIFE JACKETS AND THISH SAFETY DEVICES, THE LIKES. A LOT OF PEOPLE WERE ENJOYING THE DAY, BIG BOATS. THEN ABOUT RIGHT NOW, ABOUT 7:30 -- MAN, I DIDN'T GET TO FINISH. ANYWAY, WHAT I WAS TRYING TO DO IS WITH THESE PICTURES RIGHT HERE, THIS IS WHERE THE CROWD WAS AND THIS IS WHERE THE FIREWORKS WERE. WHEN THE FIREWORKS AT 7:30 THEY MADE US LEAVE FROM WHERE WE WERE TO WHERE THIS BLUE ARROW IS. I WOULD JUST HOPE THAT NEXT TIME WE HAVE A BIG CONCERT LIKE THIS THAT WE WOULD LET THE CITIZENS KNOW WHAT THE RULES ARE BEFORE WE GET THERE. THANK YOU FOR YOUR TIME. AND IF YOU WANT TO LOOK AT THE REST OF THE POWERPOINT, IT'S RIGHT THERE.

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Mayor Wynn: THANK YOU, MR. WILLIAMSON. RICHARD TROXELL. WELCOME. YOU YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JEFF JACK AND THEN RANDOLPH MUELLER.

THANK YOU, MR. MAYOR, COUNCIL. MY NAME IS RICHARD TROXELL. I'M PRESIDENT OF HOUSE THE HOMELESS. MANY OF YOU MAY HAVE SEEN THE ARTICLE IN THE "AUSTIN AMERICAN-STATESMAN". THIS IS OUR HOMELESS MEMORIAL. WE WENT TO THE SHORES OF TOWN LAKE AND READ THE NAMES OF THE 93 PEOPLE WHO HAD DIED ON THE STREETS IN AUSTIN THIS YEAR. OUR KEYNOTE SPEAKER WAS COUNCILMEMBER LEFFINGWELL AND HE SAID SOME EXCELLENT WORDS, EXPLAINED HOW THE CITY COUNCIL, HOW THE COMMUNITY IS WORKING TOGETHER FROM SO MANY DIFFERENT DIRECTIONS TO TRY AND END

HOMELESSNESS AND IT'S CRITICAL AND WE GREATLY APPRECIATED HIS WORDS AND WORKING TOGETHER. BUT RIGHT NOW PEOPLE ARE STILL LIVING ON THE STREETS AND THEY ARE DYING ON THE STREETS. THIS IS MY FRIEND HERMIE THE HOMELESS GUY. THERE WE GO. HERMIE IS OUR HOMELESS GUY OUTFITTED WITH THERMAL UNDERWEAR, WITH SOCKS. HE'S GOT ON HIS GLOVES AND HIS KNIT CAP. WE'RE GOING TO TRY TO OUTFIT 800 PEOPLE WHO ARE LIVING ON THE STREETS OF AUSTIN WHO CAN'T GET INTO HOUSING THIS WINTER. WE'RE ASKING FOR THE CITIZENS OF AUSTIN'S HELP. WE'RE ASKING TO YOU PLEDGE YOUR PEN AND PAPER RIGHT NOW, WRITE DOWN THE ADDRESS, HOUSE THE HOMELESS, P. O. BOX 2312, AUSTIN, TEXAS. FOR \$10 YOU CAN PUT A COLD DEFLECTING SET OF THERMALS ON HERMIE HERE. YOU CAN PUT GLOVES, SOCKS, THE HAT AND THE WHOLE DEAL FOR \$20. IT'S GOING TO BE A WET WINTER. AS WE IT ALL KNOW WHAT'S HAPPENED TODAY, AND WE'RE GOING TO PUT FOR ANOTHER FIVE DOLLARS A PONCHO ON HERMIE. JOIN WITH US. HELP US MAKE A DECLARATION THAT NOBODY IN THE CITY OF AUSTIN WILL DIE THIS WINTER FROM HYPOTHERMIA. THAT'S OUR CHARGE. ALSO CITIZENS OF AUSTIN NEED TO BE HOUSED. BUT THAT'S A TALL ORDER AND A BIG TASK AND WE'RE ALL PULLING TOGETHER. AND UNTIL WE GET THAT DONE, LET'S BE SURE THAT EVERYBODY IS PREPARED AGAINST COLD. P. O. BOX 2312, AUSTIN, TEXAS. WE'RE ALL VOLUNTEERS, ALL THE MONEY GOES TO HELP HOMELESS PEOPLE. THIS IS AN TOAST PROTECT ALL OF OUR CITIZENS IN AUSTIN. THANK YOU FOR YOUR TIME. GOD BLESS YOU, GOD BLESS THE HOMELESS PEOPLE STUCK ON THE STREETS OF AUSTIN.

Mayor Wynn: 'IT THANK YOU, MR. TROXELL. IT WILL BE \$25 WELL SPENT. WELCOME MR. JACK, YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY RANDOLPH MUELLER.

MAYOR, CITY COUNCIL, I'M JEFF JACK AND I'M PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. TODAY I'M HERE TO TALK ABOUT A COUPLE OF PRIORITIES IN OUR NEIGHBORHOOD. WE DID A SURVEY LAST YEAR AND THEN THROUGH THE VISIONING PORT OF OUR NEIGHBORHOOD PLANNING, PROTECTING OUR TREE CANOPY WAS ESSENTIALLY ONE OF THE HIGHEST RATED PRIORITIES. SECOND TO THAT WAS CODE COMPLIANCE, MAKING SURE

THAT WE ENFORCE THE CODES THAT WE HAVE. AND I HAVE TWO PROJECTS AND I WANT TO TALK TO YOU ABOUT TONIGHT. THE FIRST PROJECT THAT YOU SEE UP THERE IS AT 2105 ANN ARBOR. THIS IS A VERY LONG, DEEP LOT AND THE TOP PICTURE SHOWS YOU THAT IT WAS SUBDIVIDED WITH A LEGAL FRONT LOT AND THEN TWO FLAG LOTS IN THE BACK TO BUILD THREE DUPLEXES. THIS PROPERTY AVOIDED HAVING TO HAVE ANY TYPE OF DETENTION BECAUSE IT WAS SUBDIVIDED, BUT THEY MAXED OUT THE IMPERVIOUS COVER ON THE FIRST TWO DUPLEXES THAT THEY BUILT AND ON THE THIRD DUPLEX UP AT THE STREET WHEN THEY SUBMITTED A SITE PLAN TO THE CITY, IT HAD THE BUILDING LOCATED CLOSE TO THE STREET ENCROACHING ON THE 25-FOOT SET BACK. THAT SITE PLAN WAS APPROVED AND THEN THROUGH LITIGATION BECAUSE OF DRAINAGE PROBLEMS ON THE BACK TWO DUPLEXES, IT WAS DISCOVERED THAT IT WAS OVER THE SETBACK, SO THE DEVELOPER HAD TO PUSH THE BUILDING BACK. THE ONLY PROBLEM WAS, IF YOU LOOK AT THE BOTTOM PICTURE, THERE IS A PECAN TREE NOW IN THE MIDDLE OF WHERE THE DRIVEWAY IS. WE'RE GOING TO LOSE THAT PECAN TREE BECAUSE THE DEVELOPER DESIGNED THESE THREE UNITS TO BE EXACTLY THE SAME AND WASN'T WILLING TO WORK WITH THE SITE CONSTRAINTS. HE GOT A PERMIT. THE PERMIT WAS ISSUED INCORRECTLY. HE HAD TO MOVE THE BUILDING IN ORDER TO GET HIS IMPERVIOUS COVER REDUCED. AND NOW WE HAVE A SITUATION WHERE ONLY TODAY I FOUND OUT THAT THE CITY ARBORIST IS GOING BACK OUT AND HAVING THE MEETING WITH THE OWNER THAT SHOULD HAVE HAPPENED BEFORE THEY EVEN STARTED CONSTRUCTION. THE SECOND PARJ I WANT TO TALK TO YOU ABOUT IS 1700 KINNEY. THE TOP PICTURE SHOWS YOU DEMOLITION OF THE ONE-STORY HOUSE THAT WAS THERE. THIS PROJECT WAS DEMOLISHED AND BELOW IS THE DUPLEX THAT WAS BUILT. AND THE PROBLEM THAT WE HAVE WITH THIS PROJECT IS THE FACT THAT WE STARTED WORKING WITH THE CITY BEFORE THEY BEGAN POURING THE FOUNDATION ADDRESSING TWO VERY SIGNIFICANT ISSUES. ONE WITH REGARD TO THE NONCONFORMING USE, THE EXISTING SMALL BUILDING EXTENDING IN THE STREET SIDE YARD AND HOW THAT WAS INTERPRETED BY STAFF TO ALLOW A LARGER CONSTRUCTION. AND THEN THE REQUIREMENTS WITH

REGARD TO IMPERVIOUS COVER AND PARKING. THIS PICTURE SHOWS YOU APPROXIMATELY IN YELLOW THE EXTENT OF THE ORIGINAL BUILDING'S INTRUSION INTO THE STREET SIDE YARD. THAT'S IN YELLOW. THIS PROJECT WAS ALLOWED TO HAVE THE ADVANTAGE OF THE 25-FOOT EXTENSION OF NONCONFORMING USE NOT ONLY WITH REGARD TO THE VERTICAL MAKING IT TWO STORIES, BUT THEY ALSO ALLOWED IT TO BE DISCONNECTED AND BUILD THE 25 FEET DOWN AT THE BACK OF THE PROPERTY WHERE THERE WAS NO EXISTING PREEXISTING NONCONFORMING USE. [BUZZER SOUNDS] NOT ONLY THAT, BUT THIS PROJECT HAD TO GO BACK AND HAVE THE IMPERVIOUS COVER RECALCULATED BECAUSE IT WAS PERMITTED BY THE CITY UNDER MF-3 REGULATIONS WHERE IT WAS SUPPOSED TO BE SF-3. AND WHEN WE POINTED IT OUT TO THE CITY, THE FOUNDATION AND THE FRAMING WAS ALREADY UP SO THE DEVELOPER WENT IN AND HE TOOK OUT SIDEWALK, HE TOOK OUT PAVING FOR DRIVEWAYS, HE TOOK OUT PATIOS. WE STILL CONTEND THIS BUILDING IS OVER THE IMPERVIOUS COVER LIMIT. WE HAVE NOT BEEN ABLE TO GET THE CITY TO VERIFY IT. LAST ITEM HAS TO DO WITH PARKING. IF YOU LOOK AT THE CENTER OF THIS PICTURE, WHAT YOU WILL SEE IS TWO GARAGES AND TWO PARKING LANES COMING OUT TO THE SIDEWALK. THE CITY CODE SAYS THAT PARKING REQUIREMENTS HAVE TO BE 18.6 INCHES LONG. IF YOU MEASURE FROM THE PROPERTY LINE TO WHERE THESE GARAGES ARE, IT'S 17 FEET, TWO INCHES. THE ONLY WAY THAT HE MET CODE WAS TO MEASURE TO THE GARAGE DOOR. ALSO, STAFF INTERPRETED THE LAW AS SAYING THAT WE ONLY NEEDED THREE PARKING SPACES FOR THE DUPLEX. AN ORIGINAL DUPLEX REGULATIONS YOU WOULD REQUIRE FOUR BECAUSE WE'RE IN THE 20 PERCENT REDUCTION. 80 OFFICERS IS 3.2 AND STAFF INTERPRETED THIS AS ONLY NEEDING THREE PLACES FOR A DUPLEX. IN OTHER SITUATIONS STAFF HAS INTERPRETED, YES, YOU NEED FOUR. YES, WE'D LIKE THE COUNCIL TO CLARIFY WHETHER IN A DUPLEX SITUATION THE 80% IS THREE OR WHETHER OR NOT IT'S ACTUALLY NEEDS TO BE FOUR. THIS IS A LOOPHOLE THAT WE HAVEN'T BEEN ABLE TO CLARIFY.

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Mayor Wynn: THANK YOU, MR. JACK.

I HAVE MORE. I'LL COME BACK.

Mayor Wynn: FAIR ENOUGH. THE NEXT SPEAKER IS RANDOLPH GEORGE MUELLER, TO BE FOLLOWED BY POPE MORRISON.

THERE'S A HANDOUT COMING TO YOU. I WANT TO THANK YOU FOR THIS OPPORTUNITY TO GIVE MY RESPECT TO THE ADMINISTRATION AND ESPECIALLY TO TOBY FUTRELL. I'M GETTING TO KNOW HER BETTER AND MY RESPECT FOR HER AND HER ORGANIZATION AND LAURA HUFFMAN HAS EXCEEDED ANYTHING I'VE SEEN IN SOME 30 SOMETHING YEARS SINCE I CAME BACK TO AUSTIN WITH A TOUGH NAME. AND I TAKE ANY PRO NONE SEEICATIONS. MY GREAT UNCLE WAS MAYOR OF THIS CITY AND SOMEHOW THE NAME STUCK ON WHAT -- I'VE HANDED OUT SOMETHING HERE THAT YOU MAY NOT GET AND YOU MAY BE AFRAID OF IT. I BOUGHT IT FROM COSTCO, ABOUT 64 OF THEM FOR 10 BUCKS. MY DAUGHTER IS BACK HERE FROM WORKING ON THE HAPPY FEET MOVIE AS ANABLE MATER FROM AUSTRALIA AND SHE MAY FIND A JOB HERE. SHE'S LOOKING FOR A JOOB NOW. THIS MOVIE IS UP FOR AN OSCAR. YOU DON'T NEED TO GO TO THE MOVIE. I ONLY HAD SEVEN OF THE LITTLE PACKAGES, BUT THEY HAPPEN TO BE NINE FLEETS THERE. IF YOU WANT TO SHARE THEM EVERYBODY CAN GET A TASTE OF THEM. THE MOVIE DOESN'T NEED YOUR HELP. IT'S ALREADY AHEAD OF CASINO ROYAL AND SURPRISING EVEN THE CRITICS.

AND SHOWING AT THE I MAX THEATER. IT'S A SPECTACULAR MOVIE, A PHENOMENAL SOUND TRACK.

I REALLY NEED TO USE THE REST OF MY TIME BECAUSE I'M HERE REPRESENTING THE J 17 FORTUNE SUBMISSION. I HAVE THE PLANS FOR THE PROPERTY MY DAD LEFT MY MOTHER. THE 3.18 ACRES BETWEEN CAMPBELL AND WEST LYNN STREET ON THE SOUTHSIDE, COMMONLY IDENTIFIED AS POKE JOES. AND THE MEAN EYED CATS. I HAD HOPED CHRIS MARSH WOULD BE HERE, WHO IS THE PROPRIETOR, IT'S THE MOST INTERNATIONAL PROJECT I'VE WORKED ON THAT'S BEEN IDENTIFIED THE LAST COUPLE OF YEARS. I'M

NOT TAKING CREDIT FOR IT. CHRIS HADN'T IDENTIFIED THAT EITHER, BUT HE CERTAINLY CAN IDENTIFY THE RUNOFF WATER COMING FROM ELSEWHERE, CLARKSVILLE NORTH OF THIS PROJECT THAT GABLES IS TRYING TO BUILD AND HAS UP BEFORE FOR A BUILDING PERMIT BEFORE THE CITY. I'VE WORKED ON THIS ABOUT 10 YEARS. I'VE SEEN A COUPLE OF DEVELOPERS, SAGE AND COMPANY TOOK A LOOK AT IT FOR A COUPLE OF YEARS. WISEMAN (INDISCERNIBLE) BACKED AWAY FROM IT. GABLES IS ONLINE TO DO IT RIGHT NOW. I'VE SAT BACK AND WATCHED LAURA HUFFMAN AND TOBY FUTRELL BRING THEIR STAFF UP TO TALK TO THE PEOPLE. GABE VIEWL THE NAME THAT'S ON THE PLANS FOR BURY AND PARTNER. I HAD HOPED HE WOULD BE HERE, BUT HE WAS REPRESENTED AT THE LAST MEETING -- [BUZZER SOUNDS] HE'S IDENTIFIED ALL THE RUNOFF WATER. AND THE TWO AND A HALF MILLION DOLLARS THAT'S ASKED FOR IN THIS MEMO IS I THINK IDENTIFYING OFF-SITE RUNOFF THAT I THINK REALLY SHOULD HAVE BEEN IN THE BOND ELECTION AND GOT OVERLOOKED. THE STAFF'S INFORMATION IS LACKING AND I LEAVE YOU WITH THAT. GABE RULE WOULD LIKE TO UPDATE THE STAFF'S INFORMATION BECAUSE THEY ADMITTED THEY DID NOT HAVE THE PROPER RUNOFF FROM OFF SITE AND THAT'S WHAT THIS TWO AND A HALF-MILLION-DOLLAR REQUEST IS FOR. AND I DON'T KNOW IF THE PROJECT IS GOING TO GO FORWARD OR NOT, BUT I'D APPRECIATE ALL CONSIDERATION. AGAIN, I REALLY RESPECT THE CITY'S HANDLING OF THINGS, BUT THERE'S SO MUCH GOING ON, AS TALENTED AS TOBY FUTRELL IS, IT'S HARD TO CLONE HER. SHE'S GOT MY RESPECT, BUT THERE'S A LOT THAT NEEDS TO BE FILLED IN AND BURY AND PARTNERS IS PREPARED TO DO THAT FOR THIS PROJECT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. COUNCILMEMBER MCCRACKEN.

McCracken: I THINK I'M AWARE OF THE PROJECT YOU'RE SPEAKING OF. IS THIS THE ONE WHERE THERE'S A BIG CITY CULVERT THAT GOES UNDERNEATH THE ON PROPERTY? IS THAT IT?

RIGHT. THERE WAS ONE THAT WHEN I WAS A KID MY DAD HAD THE PROPERTY, AND THEY PUT ONE IN TO SATISFY THEN THE RUNOFF. AND THAT ONE IS IN PLACE, BUT THE

CITY HAS ASKED THAT TWO SIX-FOOT BOX CULVERTS BE PLACED PARALLEL TO FIFTH STREET ON THE SOUTHSIDE TO HANDLE THE -- REALLY THE OFF SITE RUNOFF THAT'S COMING FROM NORTH ALL THE WAY TO SIXTH STREET, CLARKSVILLE. AND THE PLANS CLEARLY IDENTIFY THE AREA THAT'S NORTH, THAT'S HANDLING THIS RUNOFF. I THINK THAT THERE'S PROBABLY OTHER ISSUES THAT-- THERE'S ELECTRICAL LINES ON THE SOUTHSIDE THAT ARE HAVING TO BE MOVED TO THE NORTHSIDE BECAUSE OF THIS REQUIREMENT THAT THE CITY IS ASKING IT TO BE HANDLED. GABLE SZ VERY CAPABLE OF PUTTING IT IN, I JUST THINK THAT -- I CAME AWAY FROM THE LAST MEETING WHERE LAURA HUFFMAN HANDLED IT FOR THE STAFF WITH GABE RULE AND IT WAS IDENTIFIED THAT WHAT BEING ASKED FOR WAS A LOT MORE REASONABLE THAN THE PREVIOUS MEETING SHE HAD JUST COME FROM. AND THE WAY I HAD DONE IT WAS CORRECT, SO I APPRECIATED LAURA'S 'S IDENTIFYING IT THE MEMO IS SHORT AND SWEET AND VERY SIMPLY I HAD TO BE CREATIVE BECAUSE TOBY SAID IT WAS BEYOND HER POWER TO DO THIS. AND ALL I WAS TRYING TO DO WAS GIVE THE STAFF THE ABILITY TO DEVELOP THE INFORMATION TO SUPPORT A REQUEST THAT ULTIMATELY WOULD HAVE TO GO TO THE COUNCIL BEYOND TOBY'S REACH OF HANDLING IT. DOES THAT ANSWER YOUR QUESTION.

McCracken: YEAH. THE REASON I BRING IT UP IS BECAUSE I KNOW THAT THE COUNCIL IN THE DESIGN STANDARDS POLICY DOCUMENT IN MAY OF 2005 UNANIMOUSLY APPROVED A POM POM THAT THE CITY SHOULD BE MOVING THINGS THIKZ LIKE THIS CULVERT THAT MAKE IT IMPOSSIBLE TO DO OR CREATE DEVELOPMENT BARRIERS FOR REDEVELOPMENT, SOY KNOW WE NEED TO SORT THROUGH SOME OF THE DETAILS. THIS WAS AN EXAMPLE I WAS AWARE OF. AND I'LL LOOK AT THIS MORE. THESE ARE PRETTY GOOD, THEY TASTE LIKE GUM MY BEARS.

I HAVEN'T HAD ANYBODY TURN THEM DOWN ONCE THEY'VE TRIED THEM. SERVE SKEPTIC. I'M NOT A GUMMY BEAR FAN, BUT THIS ONE HIT THE SPOT. IF I SHORTED ANYBODY, I'LL BE GLAD TO COME BACK AND COSTCO IS SELLING PLENTY OF THEM RIGHT NOW.

I'M GOING TO HIDE THEM FROM MY TWO-YEAR-OLD OR I'LL HAVE TO PEEL HIM FROM THE CEILING.

...

Mayor Wynn: THANK YOU. NEXT SPEAKER IS POPE MORRISON. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JASON MITMAN WHO WILL BE FOLLOWED BY PAGE HILL.

GOOD AFTERNOON. MY NAME IS HOPE MORRISON. IT'S HOPE WITH AN H. I HAVE LIVED IN THE CRESTVIEW WOODS FOR ABOUT 13 YEARS. MY HUSBAND AND I BOUGHT OUR HOME IN THE WOOTEN NEIGHBORHOOD SEVEN AND A HALF YEARS AGO. I'M HERE TODAY ON BEHALF OF RESPONSIBLE GROWTH FOR NORTHCROSS. WE ARE A GROUP OF REZIDENTS THE SIX NEIGHBORHOODS SURROUNDING NORTHCROSS MALL WHO ARE OPPOSED TO THE CURRENT REDEVELOPMENT PLAN THAT LINCOLN PROPERTY IS PURSUING AND ANGRY THAT WE WERE NOT INVOLVED IN THE PLANNING PROCESS. WE SEEK TO HALT THE CURRENT PROJECT AND TO ESTABLISH A MEANINGFUL PARTNERSHIP WITH LINCOLN PROPERTIES IN PLANNING HOW NORTHCROSS GROWS. THIS IS ABOUT MORE THAN JUST DESIGN ISSUES. WE WANT MEANINGFUL INVOLVEMENT IN DETERMINING THE CHARACTER OF REDEVELOPMENT IN OUR NEIGHBORHOOD AS THE CITY'S NEIGHBORHOOD PLANNING PROCESS AND VISION. OUR VISION FOR THE NEIGHBORHOOD PRECLUDES LOCATING A WALMART AT NORTHCROSS, BOWER VISION EXTENDS WELL BEYOND SIMPLE OPPOSITION TO WAL-MART. WE WANT TO SEE THE KIND OF PEDESTRIAN FRIENDLY MIXED USE DEVELOPMENT OCCURRING AT THE TRIANGLE, MUELLER AND PLANNED FOR CRESTVIEW STATION. WE'RE ASKING FOR WHAT THE CITY'S POLICIES AROUND NEIGHBORHOOD PLANNING AND DEVELOPMENT ALREADY ENVISION. A WAL-MART IS COMPLETELY INCONSISTENT WITH THE EXISTING NEIGHBORHOOD PLAN. WE DO WANT GROWTH IN OUR AREA, BUT WE WANT GROWTH THAT PROTECTS AND ENHANCES OUR NEIGHBORHOOD. MY HUSBAND AND I HAVE THREE DAUGHTERS. WE'VE COMPLETELY OUTGROWN OUR THREE-BEDROOM HOUSE. WE'RE PLANNING AN ADDITION AND PLOALGD, THERE BY HELP TO GO REVITALIZE OUR EXISTING

AUSTIN NEIGHBORHOOD. HOWEVER, THE INCREASE IN CRIME, NEGATIVE NEAKTS LINCOLN PROPERTY'S PLAN COULD CAUSE US TO RECONSIDER OUR PLANS. THE ECONOMIC LIFE OF OUR NEIGHBORHOOD, OUR HOME VALUE AND MY FAMILY'S SAFETY WILL BE THREATENED IF LINCOLN PROPERTY MOVES FORWARD AS PLANNED. RESPONSIBLE GROWTH FOR NORTHCROSS IS HOLDING A MEETING TONIGHT AT 7:00 P.M. ON GRACE CHURCH OF THE NAZARENE ACROSS FROM MCCALLUM HIGH SCHOOL. THERE IS ENORMOUS OPPOSITION FROM THE SURROUNDING NEIGHBORHOODS TO LINCOLN PROPERTIES' CURRENT PLAN. PEOPLE ARE TELLING US THEY JUST LEARNED ABOUT THE PLAN FOR NORTHCROSS ABOUT TWO WEEKS AGO. THEY ARE SURPRISED AND ANGRY THAT THE COMMUNITY WAS GIVEN NO OPPORTUNITY FOR MEANINGFUL INPUT. FRASM, IN A RECENT ONLINE POLL CONDUCTED BY THE ALLENDALE NEIGHBORHOOD ASSOCIATION, ALMOST 70% OF RESPONDENTS OPPOSE HAVING A WAL-MART AS AN ANCHOR 10... TENANT AT NORTHCROSS. I ASK THAT YOU AS OUR ELECTED OFFICIALS DO WHAT IS IN YOUR POWER TO DO NOW. STOP THIS PROCESS. DON'T GRANT A BUILDING PERMIT, DON'T GRANT A DEMOLITION PERMIT. WE, A GROUP OF AVERAGE CITIZENS, HAVE ALREADY FOUND FLAWS IN THEIR SITE PLAN AND WE ASK THAT YOU STOP THE PROCESS, HAVE EXPERTS GO BACK IN AND LOOK CRITICALLY AT A NUMBER OF ISSUES. STOP THIS PROCESS NOW AND LET US HAVE THE KIND OF SELF-DETERMINATION THAT YOU HAVE ALLOWED AT MUELLER AND TRIANGLE AND CIRCLE C AND OTHER AUSTIN NEIGHBORHOODS. YOU HAVE THE POWER TO DO SOMETHING AND WE ASK THAT YOU DO IT IMMEDIATELY. THANK YOU.

Kim: I HAVE A GO THE CITY MANAGER. CITY MANAGER, CAN YOU DISCUSS WHAT THE COUNCIL CAN DO IN ACCORDANCE WITH STATE LAW IN TERMS OF WHAT LINCOLN PROPERTIES AND THE SITE PLAN AND IT BEING A TENANT VERSUS BEING A NEW SITE PLAN?

Futrell: YES. I'LL LET TAMMY, THE ASSISTANT DIRECTOR AT WATERSHED PROTECTION, WALK YOU THROUGH THE DETAILS OF THAT.

COULD YOU REPEAT THAT QUESTION ONE MORE TIME?

Kim: JUST ABOUT STATE LAW AND ALSO THE CITY'S LAWS IN REGARDS TO NOTIFICATION, THE SITE PLAN AND WHAT ARE THE PARAMETERS THAT THE COUNCIL HAS IN TERMS OF CURRENT LAW?

THIS WAS AN ADMINISTRATIVE SITE PLAN, WHICH MEANS WHEN IT CAME IN TO US WE NOTIFIED, AS WE DO ALL SITE PLANS. IT RECEIVED NOTICE FOR PROPERTY OWNERS WITHIN 300 FEET OF THE SUBJECT PROPERTY. SO WHEN IT CAME IN, PROPERTY OWNERS THAT LIVE WITHIN 300 FEET OF THE PROPERTY WERE NOTIFIED AND ANY NEIGHBORHOOD ASSOCIATIONS WERE NOTIFIED.

Futrell: TAMMY, DEFINE ADMINISTRATIVE SITE PLAN.

BY THAT I MEAN THERE WAS NO PUBLIC HEARING ASSOCIATED WITH IT. THE PROPERTY IS ZONED GR, WHICH MEANS IT'S COMMUNITY COMMERCIAL, AND THEIR USE WAS GENERAL RETAIL, WHICH FELL WITHIN THOSE PARAMETERS. SO THEY WERE ASKING FOR NO VARIANCES. THEY WERE PROPOSING TO MEET ALL CODES AT THE TIME BASED ON WHAT THEY WERE PROPOSING ON PAPER, SO THEY WERE ASKING FOR ANYTHING -- THEY WEREN'TING... ASKING FOR ANYTHING OUT OF THE WAY.

Kim: WHEN DID THIS HAPPEN?

TAMMY, WHILE YOU'RE LOOKING THAT UP, I'M GOING TO REPEAT THAT THEN. SO IF YOU'RE WITHIN YOUR ZONING CATEGORY, NO ZONING CHANGE, NO VARIANCE, AND YOUR SITE PLAN IS CODE COMPLIANT. THE LAND DEVELOPMENT CODE AS IT STANDS NOW CATEGORIZES THAT AS AN ADMINISTRATIVE SITE PLAN AND THEN DEFINES HOW THE STAFF NOTICES AND MOVES FORWARD ON THAT PLAN.

RIGHT. THEY FILED IT IN JANUARY OF 2006.

Kim: SO THE SITE PLAN THAT THEY FILED, IT'S AN ADMINISTRATIVE SITE PLAN APPROVAL PROCESS.

THAT'S CORRECT. KIM BECAUSE THEY'RE NOT ASKING FOR

ANY VARIANCES.

OR A ZONING CHANGE.

.....

Kim: AND THERE WAS NOTIFICATION AS REQUIRED. AND NEIGHBORS ARE SAYING THEY WERE NOT NOTIFIED.

WE CAN DOUBLE-CHECK THAT. THAT IS OUR NORMAL PROCESS TO FILE -- TO GIVE EVERYONE UNLESS NTS, BUT WE CAN DOUBLE-CHECK OUR FILES TO SEE IF SOMEONE WAS MISSED. SOMETIMES SOME OF THE REGISTERED NEIGHBORHOOD ASSOCIATIONS DO FALL OFF OF OUR LIST. IF THE PROPERTY ROLLS HASN'T BEEN UPDATED SOMETIMES, WE DO MISS PEOPLE, BUT WE NORMALLY DO CATCH EVERYONE.

Kim: WHAT WOULD HAVE BEEN IN THAT NOTICE THAT PENAL RECEIVED?

IT WOULD HAVE BEEN A RELATIVELY GENERIC NOTICE. SOMETHING TO THE EFFECT THAT AN APPLICATION WAS FILED IN YOUR AREA FOR PROPERTY AT THIS LOCATION. IT WOULD HAVE SAID CONTACT PERSON AT THE CITY AND GENERALLY WHAT YOU COULD EXPECT FOR PROPERTY LOCATED AT THIS ADDRESS, FOR RETAIL DEVELOPMENT OF SOME NATURE AND VERY, VERY GENERIC AND GIVE ANNE CONTACT PERSON AT THE CITY IN THE FILE NUMBER.

Kim: SO READING THAT.....ING THAT NOTICE IT DOESN'T SAY A WHOLE LOT.

IT'S VERY GENERIC. IT TELLS WRU TO COME. THE CASE MANAGER'S NAME AND ANYTHING OF THAT NATURE. IF YOU WANT ADDITIONAL INFORMATION YOU CONTACT THE CITY STAFF.

Kim: IF SOMEONE WANTS MORE INFORMATION THEY HAVE TO DO THE RESEARCH.

THAT'S CORRECT.

Kim: BUT THE NOTICE JUST SAYS THAT THERE'S BEEN --

AN APPLICATION ON FILE WITH THE CITY FOR THIS ADDRESS AND IT GENERALLY GIVES SOME IDEA OF HOW LARGE IT IS.

Kim: OKAY. I'D LIKE MORE INFORMATION ON -- BECAUSE PEOPLE ARE SAYING THEY DIDN'T GET NOTICE AND I DON'T KNOW IF IT'S BECAUSE THEY'RE NOT WITHIN 300 FEET. I WANTED TO MAKE SURE THE RULES WERE FOLLOWED IN TERMS OF THIS. IF ANYONE WAS MISSED LIKED TO KNOW THAT AS WELL.

Futrell: WE'LL FOLLOW UP ON BOTH SHOWING EXACTLY WHO WAS NOTICED, BUT WHY DON'T WE ALSO INCLUDE A COPY OF THE NOTICE AND WE'LL GIVE THAT INFORMATION BACK TO COUNCIL SO THEY SEE WHAT THOSE NOTICES LOOK LIKE. REMEMBER, THOSE NOTICES REALLY WERE NOT INTENDED TO BE THE END AWCIALTION BE ALL. WHAT THEY'RE REALLY INTENDED DO IS TO NOTICE THE NEIGHBORS THAT ACTIVITY IS OCCURRING AT A SITE. FIRKS IT HAD GONE TO PUBLIC HEARING, THE NOTICE IS MORE EXTENSIVE.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: SO NO ONE KNEW WHAT GOING TO OCCUPY THE STRUCTURE, WE JUST KNEW WHAT THEY WERE DOING IN TERMS OF THE DWOARJTS THE FOOTPRINT?

IT WOULD HAVE GENERALLY SAID THE USE, GENERAL RETAIL OR SOMETHING OF THAT NATURE. IT WOULD HAVE SAID SOMETHING LIKE --

Martinez: IT WASN'T UNTIL THAT DAY THAT I BELIEVE IT WAS PUBLICLY STATED. DO YOU GUYS GET INFORMATION, DID YOU RECEIVE INFORMATION PRIOR TO THAT DATE OF IT SHOWING UP IN THE NEWSPAPER?

ABOUT WHO WAS GOING TO ACTUALLY OCCUPY THE BUILDING?

Martinez: ABOUT WHO THE TENANT WOULD BE?

NO, WE DID NOT.

Futrell: I DO THINK THAT'S IMPORTANT, SO I WANT TO EXPAND ON THAT FOR A LITTLE BIT BECAUSE ONCE AGAIN I WANT TO REMIND BHEEM THIS NOTICE IS ABOUT. SO WHAT YOU WOULD BE GETTING HERE IS THIS IS ABOUT A RETAIL ENTITY AND RETAIL ZONING AND ACTIVITY IS HAPPENING. OUR NOTICE HAS NEVER BEEN ABOUT WHO THAT RETAILER IS. OUR NOTICE IS NOT ABOUT -- IT'S ABOUT THE FACT THAT ACTIVITY IS OCCURRING AND THAT THE USE IS EITHER IN OR OUT OF THE ZONING CATEGORY AND THERE IS OR IS NOT A VARIANCE. OUR NOTICE IS REALLY NOT ABOUT SOMEONE A HOME DEPOT OR A TARGET OR WAL-MART. SO IT JUST ISN'T IN THE PLAY.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: ACTUALLY, I'M THE FIRST TIME THIS MORNING SEEING THE SITE PLAN THAT WAS FILED AND I'M A LITTLE CONCERNED THAT'S NOT AN ENTIRELY ACCURATE STATEMENT BECAUSE I'M LOOKING AT THE EXHIBIT C FROM MAY FIFTH, 2006, AND THE SITE PLAN REFLECTS A FREESTANDING DISCOUNT SUPER STORE AND IT SAYS SIZE, SQUARE FEET, 217160 FEET, WHICH BY THE WAY TO MY KNOWLEDGE NEIGHBORS IT THE LARGEST -- TO MY KNOWLEDGE MAKES IT THE LARGEST RETAIL ESTABLISHMENT IN CENTRAL TEXAS OUTSIDE OF CABELA AND IKEA NOW. AND THE SITE PLAN APPLICATION SAYS A 24-HOUR TWO-WAY TRAFFIC VOLUME OF 10,686 CAR TRIPS FOR THAT ONE SUPER STORE BY ITSELF, WHICH MEANS IT WOULD HAVE MORE TRAFFIC FROM THAT ONE SUPER STORE THAN THE ENTIRE AMOUNT OF NORTH CROSS MALL CURRENTLY. SO I THINK WE DID HAVE AN IDEA THAT -- BY THE WAY, I DON'T -- WHETHER THIS IS WAL-MART OR TARGET OR HOME DEPOT, THAT'S NOT THE ISSUE TO ME. THE ISSUE TO ME IS THAT A SITE PLAN WAS SUBMITTED WITH NO NLTS TO ANYBODY. WE DIDN'T KNOW, THE NEIGHBORS DIDN'T KNOW THAT A SITE PLAN WAS GOING TO HAVE THE LARGEST RETAIL ESTABLISHMENT IN THE CITY OF AUSTIN AND OUTSIDE OF CABELA'S AND IKEA OUTSIDE OF CENTRAL TEXAS ON A NEIGHBORHOOD STREET. IT WOULD HAVE MORE TRAFFIC BY THEIR OWN NUMBERS THAN THE ENTIRE NORTHCROSS MALL DEVELOPMENT JUST FOR THAT ONE

SUPER STORE. IT'S GOING TO HAVE 400 CAR TRIPS ENTERING DURING P.M. AND 428 LEAVING. THIS IS SOME KIND OF RADICAL EXPANSION OF WHAT'S HAPPENING ON A NEIGHBORHOOD STREET AND -- SO WE HAVE A PROBLEM IN OUR CURRENT CODE IF THIS KIND OF MASSIVE EXPANSION OF STRAFK GOING TO HAPPEN ON A NEIGHBORHOOD STREET, NOT A HIGHWAY, BUT A NEIGHBORHOOD STREET. AND WHEN WE SEE SOMETHING THAT SAYS FREESTANDING - - WHEN IT SAYS FREESTANDING DISCOUNT SUPER STORE AND WITH THAT MUCH OF A TRAFFIC LOAD, THE NOTICE TO THE NEIGHBORS LEADS TO LET THEM KNOW THAT SOMETHING MORE THAN A SITE PLAN HAS BEEN FILED. IT NEEDS TO BE SOMETHING LIKE ALL HELL IS ABOUT TO BREAK LOOSE SO LET'S GET READY. SO EXPLAIN TO ME THE DIFFERENCE BETWEEN NOT KNOWING WHAT GOING TO GO IN THERE AND WHAT ACTUALLY ON THE SITE PLAN.

WHEN THE SITE PLAN -- WHEN THE SITE PLAN WAS SUBMITTED AND THEY GIVE US GENERAL INFORMATION, LIKE A GENERAL INFORMATION OF WHAT IT IS THEY'RE DOING, WE RECEIVE PHONE CALLS AND WE ASK CERTAIN QUESTIONS OF THE APPLICANT AT THE TIME. WE ASK VERY SPECIFIC QUESTIONS. AND THE QUESTION IS WE WERE GIVEN THE ANSWERS BY THE APPLICANT, IS THIS TYPE OF STORE, IS IT THAT TYPE OF STORE? AND THEY RESPONDED IN KIND AND SAID NO, THIS IS NOT THIS STORE, THIS IS THIS. AND AT THAT TIME WE SAID OKAY, THE ANSWER YOU WANT TO GIVE US IN TERMS OF IS THIS A GENERAL RETAIL STORE, MEANING IS IT THIS SIZE, IS IT THIS CHAIN OR WHATEVER? IT COMPLIES WITH THE CURRENT CODE AND IT'S IN COMPLIANCE WITH ALL OF OUR REGULATIONS, AND IT CERTAINLY IT S. BASED ON OUR REVIEW. BUT YES, IS IT A LARGE STORE? YES, IT IS, A VERY LARGE STORE. WE LOOKED AT THE TRAFFIC IMPACT ANALYSIS THAT THEY DID SUBMIT. IT LOOKS LIKE WHAT THEY'VE GOT IS A TOTAL TRIP FOR 16,000 OF WHAT THEY'RE PROPOSING. YOUR NUMBERS WERE A LITTLE DIFFERENT THAN MINE. I'M CURIOUS EXACTLY WHAT YOU WERE READING FROM.

McCracken: I'M READ REEDING FROM EXHIBIT C ON MAY FIFTH OF 2006.

THE NUMBERS WERE A LITTLE BIT DIFFERENT. THE TOTAL

TRIPS I'VE GOT ARE 16,002 SCOOVMENT THE TOTAL EXISTING TRIPS THEY HAVE ON THE GROUND NOW ARE 8,065 WITH TOTAL NEW TRIPS OF 8,179. OUT OF THOSE TRIPS, 11 INTERSECTIONS WERE ANALYZED AND BASED UPON THAT ALL THE INTERSECTIONS THAT WERE ANALYZED STILL FUNCTION AT AN ACCEPTABLE LEVEL. THAT'S HOW STAFF EVALUATED THE INTERSECTIONS IN THE TRAFFIC IN THE AREA. WE LOOKED AT THAT AND DECIDED THAT THE TRAFFIC STILL FUNCTIONED APPROPRIATELY AND APPROVED THE SITE PLAN AND THE TIA BASED ON THAT.

HERE'S A LOOK AT IT. IT SAYS THERE WAS INITIALLY SOMETHING SUBMITTED, IT APPEARS, IN OCTOBER 11th OF 2005 YOU. AND THEN IT APPEARS THAT IT WASRY ADVISED IN MAY OF -- IT WAS REVISED IN MAY OF 2006 TO MAKE THE FREESTANDING DISCOUNT STORE EVEN BIGGER. IT HAD INITIALLY BEEN PROJECTED TO BE 206,000 SQUARE FEET AND THEN IN MAY OF 2005 IT WAS PROJECTED TO GO UP TO 217,000 SQUARE FEET AND HAVE A TWOR-HOUR TWO-WAY VOLUME OF 10,286 CAR TRIPS A DAY, SO TENS -- OVER 10,000 CAR TRIPS A DAY FROM THIS ONE STORE ALONE, WHICH IS MORE THAN THE 8,000 CAR TRIPS A DAY COMING FROM ALL OF NORTHCROSS MALL CURRENTLY. AND ANOTHER THING I WANT TO KNOW IS BAWTS THIS APPEARS TO BE THE LARGEST RETAIL STORE ANYWHERE IN THE CITY OF AUSTIN, INCLUDING ON ALL OF OUR HIGHWAY SYSTEM, I THINK WE NEED TO KNOW WHAT IS THE BASELINE COMPARISON BECAUSE THIS DISCOUNT SUPER STORE HERE APPLICATION IS LARGER THAN THE SUPER WAL-MART AT I-35 AND BEN WHITE. SO WHAT'S THE TRAFFIC COUNT FOR THE WAL-MART, SUPER WAL-MART AT I 35 AND BEN WHITE BECAUSE THIS SWUN BIGGER AND THIS ONE IS ON A NEIGHBORHOOD STREET. AND SO IF WE'RE GOING TO INJECT SOMETHING THAT HAS MORE TRAFFIC AND MORE SIZE THAN THE SUPER WAL-MART AT I-35 AND BEN WHITE, WE'RE GOING TO PUT IT ON A NEIGHBORHOOD STREET, WE NEED TO GET SOMETHING MORE TO NEIGHBORS THAN A SITE PLAN HAS BEEN FILED BECAUSE THAT IS JUST -- THIS IS JUST -- THIS PRESENTS SOMETHING THAT IS JUST RADICALLY DIFFERENT IN IMPACT FROM A FAST FOOD RESTAURANT OR A NEIGHBORHOOD DRY CLEANER OR SOMETHING.

CITY MANAGER, DO YOU HAVE INFORMATION ON THE ROAD

AND WHAT THEY CAN DO IN TERMS OF IMPACT. WHAT IS THE RECOURSE THE COUNCIL HAS. AND ALSO, IT'S ONE THING I DO QUESTION, AND I AGREE WITH THE COUNCILMEMBER MCCRACKEN IS ABOUT THE NUMBER OF TRIPS. IS THERE SOMETHING WE CAN DO TO VALIDATE THOSE NUMBERS PRIOR TO THEM GOING FORWARD WITH THE PROJECT OR IS THAT SOMETHING THAT WE ONLY HAVE AUTHORITY TO AUDIT LATER. AND IF THAT'S THE CASE, WHAT KIND OF RECOURSE DOES THE PUBLIC HAVE.

I'LL LET TAMMY ANSWER A HANDFUL OF THINGS. I.I DON'T HAVE THE DETAILS ON THIS SPECIFICALLY IN FRONT OF ME, BUT REMEMBER, WHAT THEY'RE GOING TO LOOK AT IS TO SEE DO YOU HAVE A SITE THAT HAS THE DEVELOPMENT RIGHTS TO ACCOMMODATE WHAT IS SUBMITTED AND THE ZONING THAT ALLOWS THAT SQUARE FOOTAGE, THAT HEIGHT, THAT AMOUNT OF RETAIL. THEN ON TOP OF THAT, YOU HAVE A FORMULA THAT TELLS YOU HOWE TO CALCULATE THAT WE USE FOR EVERYBODY, TRIPS, AND WE TEST AND CHECK THOSE TRIPS. IF YOU HAVE IN THAT AREA THE DEVELOPMENT RIGHTS ALREADY APPROVED, THE ZONING ALREADY APPROVED FOR THAT AMOUNT OF RETAIL AND THAT AMOUNT OF TRIPS, THEN IT'S WITHIN CODE COMPLIANCE AND THEN IT GOES THROUGH ADMINISTRATIVELY. NOW, YOU DO HAVE IN FRONT OF YOU A DISCUSSION THAT WE'VE BEEN TALKING ABOUT OVER THE LAST FEW MONTHS ABOUT EXPANDED NOTICE FOR RETAIL ESTABLISHMENTS OF A LARGER SIZE, WHICH WOULD CHANGE WHAT WE'RE DOING NOW AND THAT'S WHAT IT WOULD TAKE TO GET TO SOME OF I THINK YOUR CONCERNS. AND THEN SPEAK TO HOW YOU CHECK OR TEST OR AUDIT TRIPS.

YEAH, WE DO LOOK AT THOSE BASED ON THE ITE, WHICH IS THE TRAFFIC GENERATION FORMULA THAT IS STANDARD THROUGHOUT THE COUNTRY. WE DON'T ACCEPT THE NUMBERS THAT ARE GIVEN. WE DO AUDIT THOSE AGAINST THAT NATIONAL FORMULA AND THAT'S WHAT WE'VE DONE BASED ON THAT. WE ANALYZE THE INTERSECTIONS BASED ON THE TRIP GENERATION AND THE MANUEL THAT WE USE. BASED ON THAT -- WE ANALYZE IF WHETHER OR NOT THOSE INTERSECTIONS STILL FUNCTION AT THE ACCEPTABLE LEVEL. IF THEY DO, WE DETERMINE THAT THE TRIP

GENERATION IS FINE AT THAT POINT AND WE ACCEPT THOSE NUMBERS. IF NOT WE DETERMINE WHETHER OR NOT ADDITIONAL IMPROVEMENTS ARE REQUIRED, WHETHER OR NOT THEY NEED ADDITIONAL SIGNALS OR TURNING LANES OR RIGHT-OF-WAY OR SOMETHING OF THAT NATURE. IN THIS PARTICULAR CASE IT WASN'T DETERMINED IF THOSE THINGS ARE NEEDED. WE COULD CERTAINLY GO BACK AND LOOK AT THOSE AGAIN. DON'T HAVE A PROBLEM DOING THAT.

I THINK SOMETHING WE CAN SHARE WITH YOU. YOU'RE ALREADY DISCUSSING WHETHER YOU WANT TO EXPAND BOTH THE LEVEL AND DISTANCE OF NOTICE. THAT'S ALL IT TAKES IS A CHANGE THAT HAVE IN THE CODE. WE'LL GET YOU SOME INFORMATION ON THE TRAFFIC ANALYSIS THAT WAS DONE ON THIS. WE CAN GET YOU A COMPARATIVE LOOK AT WHAT ANOTHER STORE THAT'S ALREADY IN TOWN IS GENERATING, SO YOU CAN SEE COMPARATIVELY HOW THOSE TRIPS COMPARE. WE'LL GET YOU A CONE OF WHAT THE NOTICE LOOKS LIKE AND WE'LL GET YOU A COPY OF EVERYONE WHO WAS NOTICED.

KIM WHAT ABOUT THE QUALITY OF THE ROAD AND WHAT IT WAS DESIGNED FOR AND THE WEIGHT OF THE TRUCKS THAT WOULD BE ON THE ROAD?

I'LL SEE IF I CAN GET MAY THAT NRMS FROM PUBLIC WORKS. IT'S PROBABLY AVAILABLE.

...

Futrell: IT'S TYPICALLY LESS ABOUT WEIGHT ON THE ROAD THAT BE THE CAPACITY OF THE ROAD. WE DO KNOW THE CAPACITY OF THE ROAD AND THE INTERSECTIONS AND THAT'S WHEN YOU HEARD TAMMY TALK ABOUT THE FACT THAT EACH OF THE INTERSECTIONS WERE EVALUATED TO SEE IF THEY WERE STILL PASSING INTERSECTIONS WITH THE ADDITIONAL TRIPS. THAT'S PART OF THE FORMULA THAT'S USED.

Kim: IS THE FORMULA TAKING INTO ACCOUNT -- IS THAT A SEPARATE FORMULA OR DO WE HAVE A FORMULA TO TALK ABOUT OR GIVE US INFORMATION ON IF THE ROAD IS ABLE TO -- WHAT'S GOING TO HAPPEN TO THE ROAD IN TERMS OF

RECONSTRUCTION OR MAINTENANCE IF WE HAVE MORE TRAFFIC ON THAT. IS THAT PART OF THE FORMULA OR IS THAT NOT ADDRESSED AT ALL? IS THE FORMULA JUST ON INTERSECTIONS? DOES IT HAVE DO WITH THE MAINTENANCE AND THE ROAD AND THE DETERIORATION OF THE ROAD?

THESE ARE TWO SEPARATE THINGS YOU WERE TALKING ABOUT. THE WORK THAT TAMMY WORKS ON IS CAPACITY OF THE ROAD.

RIGHT.

Futrell: I CAN GET YOU INFORMATION FROM PUBLIC WORKS ON EXACTLY THE STANDARDS TO WHICH OUR ROADS ARE BUILT AND SPECIFICALLY THIS ROAD. AND WHAT CAPACITY IT CAN SUSTAIN IN TERMS OF WEIGHT IN TRUCKS. BUT TO BE HONEST WITH YOU, WE HAVE A VERY HIGH STANDARD ON OUR ROAD STANDARDS. THEY'RE ALL BUILT TO WITH.....WITHSTAND ANY VEHICLE OUT THERE. IT'S VERY CLEAR THAT MORE TRIPS CAUSE MORE MAINTENANCE ON ROADS AND THAT'S ALL BUILT INTO SONDRAS FORMULA AT PUBLIC WORKS. BUT THIS, WHAT TAMMY IS LOOKING AT. SHE'S REALLY LOOKING AT CAPACITY. CAPACITY AT THE INTERSECTION AND CAPACITY AT THE ROAD.

Kim: ALL RIGHT. AND DID WE INCLUDE SMALL BUSINESSES IN THAT NOTIFICATION AND DOES THE OWNER GET THE NOTICE AS WELL?

IT WOULD BE THE OWNER OF A STRIP MALL NEXT TO THE SITE?

THAT'S CORRECT.

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Kim: NOT THE DENTIST OR THE OPTOMETRIST?

THAT'S CORRECT.

Kim: I THINK THAT'S A PROBLEM TOO. IS THERE ANY WAY TO... FOR US TO DO ADDITIONAL NOTIFICATION OF THE

TENANTS?

WE CAN DO THAT. IT MAY BE MORE CHALLENGING BECAUSE THE EASIEST WAY IS FOR US TO DO THE PEOPLE ON THE TAX ROLLS. IT'S MORE CHALLENGING FOR PEOPLE OUTSIDE OF THAT, BUT WE COULD TAKE A LOOK AT THAT, YES.

Kim: BECAUSE I WOULD BE INTERESTED IN LOOKING AT HOW WE'RE ARE IDENTIFYING...ING SMALL BUSINESSES, ESPECIALLY IN THIS SITUATION WHERE THEY WILL BE AFFECTED ONE WAY OR THE OTHER. THERE MAY BE SOME DISAGREEMENT, BUT I THINK MOST OF THE SMALL BUSINESSES I'VE BEEN HEARING FROM AND I SENSE ARE REALLY CONCERNED ABOUT THE TRAFFIC, ABOUT HAVING THIS KIND OF ESTABLISHMENT RIGHT NEXT TO THEM.

Mayor Wynn: COUNCILMEMBER MCCRACKEN. CRACK CRACK DO WE HAVE ANY INFORMATION --

McCracken: DO WE HAVE ANY INFORMATION FOR THE PRESS REPORTS THAT WE'RE WORKOGFROM THE DAIS ARE TO SAY THAT THIS SUPER STORE WILL BE OPEN 24 HOURS A DAY, SEVEN DAYS A WEEK.

THAT HAS BEEN NOT HAS NOT BEEN CONFIRMED AS WE KNOW.

McCracken: WHAT DO WE HAVE IN ORDINANCES OR CODE -- I'M CONCERNED IF WE HAVE THE THIRD BIGGEST RETAIL ESTABLISHMENT IN ALL OF CENTRAL TEXAS BEHIND A CABELA'S AND IKEA AND IT WILL BE OPEN 24 HOURS A DAY, THAT NEXT TO SINGLE-FAMILY NEIGHBORHOODS, THIS KIND OF GOES BEYOND OUR IMAGINATION. AND SO WHAT IS OUR ABILITY TO DEAL WITH BEING OPEN 24 HOURS A DAY? CAN WE PREVENT THAT FROM HAPPENING?

...

Futrell: IS IT IN THE COMPATIBILITY STANDARDS ON LIGHTING, HOURS OF OPERATIONS? I DON'T SEE GREG HERE.

YOU DO HAVE THE COMPATIBILITY --

Futrell: MARTY, MAYBE YOU CAN HELP TOO.

MARTHA TERRY, ASSISTANT CITY ATTORNEY. YOU ARE NOW GETTING INTO ZONING REGULATIONS AND A ZONING CHANGE IN WHICH YOU WOULD IMPOSE A CONDITIONAL OVERLAY WHICH WOULD LIMIT HOURS OF OPERATION.

McCracken: WE CAN'T LIMIT HOURS OF OPERATION JUST LIKE -- JUST FOR PUBLIC HEALTH AND SAFETY AND WELFARE?

YOU CAN ONLY GET TO IT BY VIRTUE OF YOUR RULES AND REGULATIONS THAT YOU HAVE IN PLACE, AND WE DO NOT HAVE CODE PROVISIONS IN PLACE THAT WOULD ALLOW YOU TO DO THAT IN THE SITE PLAN PROCESS.

Futrell: BUT THE CAPABILITY PORTION OF ZONING IS INTENDED TO GET AT WHAT YOU'RE TALKING ABOUT.

THAT'S CORRECT.

Futrell: WHAT IS THE APPROPRIATE USE AND HOW YOU ARE A GOOD NEIGHBOR.

THAT'S CORRECT.

McCracken: I MEAN, PERSONALLY IT STRIKES ME AS A MINIMUM THAT THERE IS NO PLACE FOR MASSIVE 24 SUPER STORES IN THE MIDDLE OF A NEIGHBORHOOD. IF -- GROCERY STORES ALL SHUT AT 10 OR 11:00 AT NIGHTS. THEY SEVEN THE NEIGHBORHOODS. IT SOUNDS TO ME LIKE ONE OF THE THINGS WE NEED TO BE LOOKING AT IS NOT PERMITTING MASSIVE 24 OPERATIONS IN THE NEIGHBORHOODS. THESE BELONG ON HIGHWAYS.

RIGHT BEHIND US WITH DON'T HAVE A LOT OF DETAIL ON THE PROJECT. IS THIS NOT IN A MALL?

IT'S NORTHCROSS MALL WHICH IS OFF OF ANDERSON LANE.

BUT THE MALL AT 10:00 AT NIGHT. AND THIS IS ACCORDING TO PRESS REPORTS, THIS IS WILL BE OPEN 24 HOURS A DAY.

WHAT WE WOULD NEED TO DO IS TAKE A LOOK AT THE

ZONING THAT IS IN PLACE THERE AT NORTHCROSS MALL AND SEE WHETHER THIS HAS BEEN ADDRESSED IN THE COMPATIBILITY STANDARD COMPONENT OF THAT?

OR BY CONDITIONAL OVERLAY.

McCracken: IF WE HAVE THE ABILITY TO CHANGE OUR ZONING CODE, IT'S AMAZING TO ME THAT OUR ZONING CODE IS THE ONLY WAY THAT WE HAVE THE ABILITY TO SAY YOU CAN'T BE OPEN AT 3:00 O'CLOCK BECAUSE WE HAVE THE NOISE ORDINANCE, FOR INSTANCE, AND THAT'S NOT RELATED TO ZONING CODE. AND THAT'S --

THAT'S TRUE.

THE LIGHTING CODE IS NOT RELATED TO ZONING.

HAVE YOU A NOISE ORDINANCE, BUT THAT DOESN'T SAY THAT NO NOISE HAPPENS AFTER. IT JUST SAYS THAT ANY NOISE CAN'T BE ABOVE X.

...

McCracken: I WOULD LIKE INFORMATION ON HOW WE CAN LIMIT HOURS OF SEPARATION THAT ARE APPROPRIATE FOR NEIGHBORHOOD ESTABLISHMENTS.

THERE ARE PROBABLY TOOLS THAT WE CAN TALK ABOUT THAT SAYING MOVING FORWARD YOU CAN PROBABLY MAKE IT AN COMPENSATION TO BE ABLE --

THERE ARE TOOLS MOVING FORWARD. IT WOULD INVOLVE A CODE CHANGE AND THAT IS SOMETHING THAT WE CAN ALL LOOK AT. THAT'S SOMETHING COUNCIL CAN INITIATE. WE'LL TAKE IT BACK AND RUN IT THROUGH THE SYSTEM AND BRING IT UP FOR YOU TO CONSIDER.

McCracken: AND I WILL SAY WHILE THIS IS NORTHCROSS MALL, THEIR OWN SITE PLAN REFLECTS SOMEWHERE BETWEEN A DOUBLING AND TRIP WILLING OF CURRENT TRAFFIC BASED ON THIS SITE PLAN. SO WE HAVE A QUANTUM SCOPE CHANGE OF WHAT'S GOING ON HERE AND NOBODY KNEW ABOUT THIS. I LIVE IN THE AREA AND I'M

EXTREMELY CONCERNED ABOUT THIS TOO. I HAD NO IDEA THIS WAS GOING ON. AND ALSO I THINK THE THING TO LOOK AT IT I THINK WE NEED TO START SEEING AS DEVELOPMENTS AND SITE PLANS ARE COMING FORWARD THAT OUR PLANNING STAFF IS GETTING INTEGRATED BECAUSE IT ALSO DOES NOT COMPLY WITH THE DESIGN STANDARDS ORDINANCE. SO IF SOMEONE IS TRYING TO DO SOME KIND OF EXPANSION THEY NEED TO COMPLY WITH OUR LAWS, ESPECIALLY THE DESIGN STANDARDS ORDINANCE. SO I HOPE WE HAVE SOME ABILITY IN LEARNING FROM THIS TO GET COMPLIANCE OR DESIGN STANDARDS BEING PART OF THE REVIEW.

Futrell: MARTY, SPEAK TO THAT.

THE DIFFICULTY WE HAVE IS THAT THE DESIGN STANDARDS OF COURSE WERE NOT IN EFFECT WHEN THIS APPLICATION WAS MADE. AND IT'S A CHAPTER 245 GRATERING.... GRING ISSUE. -- GRANDFATHERING ISSUE.

McCracken: I KNOW THAT THERE ARE A LOT OF TIMES WHERE OUR PLANNING -- WHEN WE SEE SOMETHING THAT SAYS WE'RE GOING TO TRIPLE THE NUMBER OF CAR TRIPS, WE'RE GOING TO BUILD THE THIRD LARGEST RETAIL ESTABLISHMENT IN ALL OF CENTRAL TEXAS BEHIND IKEA AND CABELA'S, LET'S GET SOMETHING GOING ON BECAUSE WE HAVE BIG CHANGE COMING. ONE OF THE THINGS IS WE'VE GOT THE DESIGN STANDARDS -- THIS WARRANTY APPARENTLY GOT APPROVED BETWEEN FIRST AND SECOND READING, SO IT WAS DEEP, DEEP IN THE PROCESS WHEN THIS HAPPENED. THE BIG FOE COWS OF THE DESIGN STANDARDS IS TO BLOCK TRAFFIC AND MAKE IT NOT AS BAD.

WAS IT APPROVED OR SUBMITTED AT THAT TIME FRAME.

McCracken: [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

TO PUT INTO CODE LANGUAGE THAT THE BLOCK -- I MEAN, IN OTHER WORDS, WE HAD ADOPTED THE POLICY. SO -- I THINK THAT WE NEED TO -- TO COME UP WITH A PROCESS. THIS IS A VERY UNUSUAL SITUATION OBVIOUSLY FOR ALL OF OUR

PERSPECTIVES AND --

Futrell: THE POM POLICY GUIDELINES HAD BEEN ADOPTED WE DIDN'T HAVE THE CODE ADOPTED. I KNOW YOU KNOW THAT IN THE TIME FRAME THIS OBVIOUSLY WAS SLID IN BEFORE COMMERCIAL DESIGN STANDARDS WERE ADOPTED AS CODIFIED.

McCracken: I GUESS THE FRUSTRATION FROM MY PERSPECTIVE AND EVERYBODY ON THE DESIGN STANDARDS TASK FORCE IS THIS AREA WAS A MAJOR FOCUS OF THE DESIGN STANDARDS AND OUR PLANNING STAFF WHO WAS AT THE TABLE WITH THIS WAS AWARE OF THAT, TOO. THEY APPARENTLY WEREN'T BROUGHT IN EITHER. WE WERE LOOKING AT THIS AREA AS BEING A GREAT OPPORTUNITY FOR URBAN MIXED USE, INFILL REDEVELOPMENT. THIS GOES DOWN AS ANOTHER MISSED OPPORTUNITY BECAUSE IF THIS GOES THROUGH AS IT IS, WE WILL BE STUCK WITH IT FOR 50 YEARS, YOU KNOW, THREE YEARS OF EFFORT WILL BE OUT THE WINDOW.

Futrell: SOUNDS LIKE YOU OBVIOUSLY HAVE A LOT OF QUESTIONS ON IT. WE ARE GOING TO PUT A PACKET OF INFORMATION TOGETHER. GOING TO INCLUDE HOW NOTICE OCCURRED, TO WHOM, HAS THAT NOTICE LOOKED LIKE. A CHRONOLOGY, TIMES AND DATES SO YOU SEE HOW THE CHRONOLOGY APPLIED. WE ARE GOING TO GIVE YOU INFORMATION ON THE TRAFFIC STUDY. BOTH WHAT THE STANDARDS ARE USED AND WHAT WAS DONE TO VALIDATE THE TRIPS. WE WILL GET YOU SOME COMPARATIVE TRIP INFORMATION. THEN I THINK WHAT I'M GOING TO ASK IS TAMMIE AND LAURA, VICTORIA, SHOOT FROM OUR WATERSHED PROTECT DEPARTMENT TO COME AROUND AND OFFER YOU AN INDIVIDUAL BRIEFING ON THIS INFORMATION SO THAT YOU CAN GET YOUR QUESTIONS ANSWERED.

Mayor Wynn: THANK YOU CITY MANAGER. MS. WILLIAMSON, MS. TERRY.

MAYOR, I HAVE A QUESTION THAT I WANT TO ADD TO THE CITY MANAGER.

Mayor Wynn: COUNCILMEMBER COLE, YES.

Cole: I THINK THAT'S A GREAT LIST. THE ONLY THING THAT I NOTICED THAT YOU LEFT OUT WAS THE NOISE ORDINANCE ANY OTHER TYPE OF POTENTIAL LEGISLATION THAT WE HAVE IN EFFECT RIGHT NOW AS OPPOSED TO JUST WHAT WE COULD BE GOING FORWARD, BUT WHAT WE HAVE IN EFFECT NOW, WHAT COULD BE AMENDED LIKE A TIME, PLACE OR MANNER AS TO AREAS OF OPERATION THAT EXIST.

Futrell: WE WILL INCLUDE LAW DEPARTMENT IN THAT DISCUSSION SO THAT THERE WAS INTEREST IN BOTH -- WE WILL DO TWO THINGS THERE. WE WILL LOOK AT IT FROM TWO PERSPECTIVES. WHAT YOU HAVE RIGHT NOW IN PLACE WITH THE SITUATION AT HAND. WHAT TOOLS ARE IN PLACE, HOW THEY CAN OR CAN'T APPLY. WE WILL ALSO LOOK TO SEE IF THERE'S AN INTEREST IN DOING SOMETHING DIFFERENT ON -- ON MOVING FORWARD WHAT THAT TOOL WOULD LOOK LIKE.

EXACTLY.

IF YOU COULD DO THAT.

THAT'S MY CONCERN.

Dunkerly: I HAVE A QUESTION. THE ARTICLE THAT I SAW IN THE NEWSPAPER DESCRIBED THE WAL-MART STORE TO BE THEIR NEW BIG AND BETTER URBAN MODEL. I'M GOING TO TRY TO GET SOME -- SOME IDEA FROM THEM WHAT THEY ACTUALLY MEAN BY THAT. DOES THAT MEAN EXTRA INPUT INTO THE DESIGN, NEW AND BETTER, QUIETER HVAC AND COMPRESSOR, HOW DO THEY HANDLE THE BIG TRUCKS THAT ARE COMING IN. I THINK REALLY THAT -- THAT THAT CORPORATION COULD -- COULD HELP US ALL BY -- BY KIND OF CLARIFYING WHAT THAT MEANS. I'M NOT SURE AT THIS TIME, MAYBE THEY ARE GOING TO USE THE NEW DESIGN STANDARD, BUT, YOU KNOW, AT LEAST IT'S -- THAT PART OF THE MODEL IS NOT EVEN GOING TO BE STARTED BY A -- FOR A LONG TIME BETWEEN NOW AND THEN THOSE KIND OF CHANGES THEY WILL SEE IN THEIR BEST INTERESTS TO PUT IN PLACE. SO I HAVE NOT QUITE GIVEN UP ON -- YOU KNOW

EXACTLY WHAT THEY ARE GOING TO DO AT THIS TIME.

THANK YOU ALL VERY MUCH. APOLOGIZE TO MS. MOOREHOUSE FOR THE TYPO. OUR NEXT SPEAKER IS JASON MITTMAN, FOLLOWED BY PAIGE HILL.

MAYOR, MAYOR PRO TEM AND COUNCIL, THANK YOU FOR AGREEING TO MEET WITH ME. UNFORTUNATELY, SAME TOPIC. NORTHCROSS MALL. ABOUT TWO HOURS, I WASN'T SURE IF I WAS GOING TO COME HERE. IT TOOK ME A LOT OF SOUL SEARCHING. SINCE 1989 I HAVE MADE MY CAREER IN COMMERCIAL REAL ESTATE BROKERAGE AND DEVELOPMENT. SINCE THAT NEWS ARTICLE CAME OUT TWO DAYS AGO, THE HEAT THAT HAS BEEN POSED ON ME IS BEYOND BELIEF. THIS MORNING, I SAT AND I REMEMBERED SOMETHING BY DR. MARTIN LUTHER KING, I WANT TO SHARE THAT WITH YOU. HE SAID: OUR LIVES BEGIN TO END THE DAY WE BECOME SILENT ABOUT THE THINGS THAT MATTER. THIS MATTERS. I AM THE CLOSEST HOUSE TO THIS DEVELOPMENT. THERE IS NONE CLOSER. I AM LESS THAN 3 BLOCKS. I RECEIVED NO NOTICE. I AM A DEVELOPER. I KNOW WHAT A NOTICE LOOKS LIKE. THE TRAFFIC IMPACT ANALYSIS IS FALSE. NOT ONLY IS THE INFORMATION THAT YOU ARE BEING PROVIDED TO YOU AN ENORMOUS INCREASE, IT IS INACCURATE. THIS TRAFFIC IMPACT ANALYSIS MIRRORS THE ONE PRESENTED IN TRICOUNTY COLORADO, TRICOUNTY COLORADO STOOD UP AND SAID THIS ISN'T RIGHT, THEY HIRED AN INDEPENDENT TRAFFIC ENGINEER, THE WAL-MART NUMBERS WERE OFF BY 44%. AS A DEVELOPER, IF I THOUGHT MY WILDEST DREAMS I COULD HAVE SNUCK SOMETHING LIKE THIS UNDER YOU, MY GOODNESS, AFTER ALL OF YOUR HARD WORK TO SEE THAT THE DESIGNS THAT COULD FIT WELL IN THIS AREA WOULD BE MET, THIS TRAFFIC IMPACT ANALYSIS SAYS ANDERSON AND BURNET. BY THE WAY THE CUEING FOR THOSE ROADS IS 10 CARS. IT DOES NOT ACCOMMODATE THAT. DON'T BELIEVE IT. THEY WILL SLIDE IT UNDER YOUR EYES AGAIN. IT DOES NOT ACCOUNT FOR THE NEIGHBORHOODS. IT DOES NOT ACCOUNT FOR FOSTER LANE AND SHOAL CREEK WHERE I LIVE ON THE CORNER. IT DOES NOT ACCOUNT FOR THE BLIND PEDESTRIANS WHO LIVE ON THAT STREET FOR A ROAD THAT CANNOT BE CALMED. IT IS THE SECONDARY ARTERY FOR EMERGENCY VEHICLES. YOU CAN'T SLOW IT DOWN. THE

FOOTPRINT OF THIS STORE IS DESIGNED FOR AN ARTERY THAT -- THEY CAN CALL IT URBAN, I HAVE SEEN IT ACROSS THE COUNTRY. THERE IS A REASON WHY A STORE LIKE THIS IS AT THE FRONTAGE OF A HIGHWAY IN A DE...DECEL OR ACCEL LANE. THAT IS THE TYPE OF USE THAT CAN AFFORD IT. VERTICAL MIXED USE, PROTECTION OF LOCAL BUSINESSES IN OUR AREA THAT WE WANT TO SUPPORT. INPUT AND NOTICE. AS A DEVELOPER, I HAVE HAD MANY PHONE CALLS FROM DEVELOPERS QUIETLY, THEY ARE MAD, TOO. WE DESERVE A FAIR PLAYING FIELD. NOT AN UNFAIR ONE. [BEEPING] I WANT TO END QUICKLY WITH THIS. WE ARE ON THE COVER OF NATIONAL GEOGRAPHIC MAGAZINE FOR A REASON. WE ARE ON IT BECAUSE WE STAND OUT. NOT BECAUSE WE ARE LIKE OTHER CITIES. WE ARE ON IT BECAUSE WE ARE DIFFERENT AND WE TAKE ON DIFFICULT TASKS JUST LIKE THIS. DON'T BE AFRAID. TAKE THIS ON! LIVE UP TO THE REASON WHY WE ARE ON THE COVER OF NATIONAL GEOGRAPHIC MAGAZINE. THANK YOU.

Mayor Wynn: THANK YOU, MR. MITTMAN. OUR FINAL SPEAKER IS PAIGE HILL. WELCOME, MS. HILL, YOU WILL HAVE THREE MINUTES.

COUNCILMEMBERS, MAYOR, MAYOR PRO TEM, THANK YOU FOR THE TIME TO SPEAK WITH YOU AND WITH THE COMMUNITY TODAY. I STAND HERE NOT BY MYSELF, BUT AS A REPRESENTATIVE OF HUNDREDS OF NEIGHBORS AND BUSINESS OWNERS IN THE NORTH CENTRAL AUSTIN AREA WHO WISH TO SPEAK UP. MANY PEOPLE WISH TO EXPRESS THEIR DISAPPOINTMENT AND CONFUSION AND WANT TO INVITE YOU TO PARTICIPATE WITH US IN AN EFFORT TO CORRECT A DEVELOPMENT THAT UNDERMINES WHAT YOU, WITH THE INPUT OF AUSTIN CITIZENS, HAVE WORKED SO HARD TO REALIZE OVER THE YEARS AS A BEAUTIFUL CITY OF AUSTIN, OF WHICH WE ARE PROUD. THE CITIZENS WHO COME BEFORE YOU ARE DIVERSE. THOSE WHO HAVE EXPRESSED CONCERN INCLUDING GREAT GRANDMOTHERS WHO HAVE LIVED IN THE AREA FOR OTHER 30 YEARS, YOUNG PROFESSIONALS BUYING THEIR FIRST HOME. YOUNG FAMILIES BOTH OF WORKING CLASS AND BUSINESS CLASS, AND PARENTS WHO RECENTLY SAW THEIR YOUNGEST CHILD LEAVE FOR COLLEGE. ON -- ALL OF US AGREE THAT WITH YOU THAT AUSTIN IS PROGRESSING, GROWING AND

CHANGING. WE DESPERATELY WANT TO SEE NORTH CROSS PROGRESS, GROW AND CHANGE. THE AREA AROUND NORTHCROSS REFLECT THE AREA WE HAVE CHANGED FOR ALL OVER CENTRAL AUSTIN WITH MIXED USE PROJECTS AND SMART DEVELOPMENT PLANNING. AS YOU ARE WELL AWARE, PROPERTIES ALONG THE AREA HAVE SEEN A RADICAL MOVE TOWARDS DENSITY FROM THE BUNGALOW COMMUNITY IT WAS STARTED IN THE '50S. THE AREA IS RIPE FOR SMART, PEOPLE CENTRIC CONSCIENTIOUS DEVELOPMENT THAT MEETS THE NEEDS OF THE SMALL VILLAGE SURROUNDING THOSE LITTLE BUSINESS DISTRICTS. NORTHCROSS MALL DIED FOR A REASON. THE MODEL IS DEAD. LET US NOT SIMPLY REINVENT IT WITH A NEW FACE AND EXPECT IT TO SERVE AUSTIN AS IT SHOULD. AN OUT OF TOWN DEVELOPER HAS BOUGHT THE PROPERTY CHEAPLY AND WANTS TO CASH OUT FAST BY PUTTING ANOTHER NORTHCROSS WITH A FACELIFT AND TELLING US IT WILL NOT COST THE NEIGHBORHOOD AND THE CITY. THEY PORTRAY THAT THEY ARE BESTOWG UPON US A GIFT IMPROVING OUR SAD DILAPIDATED MALL AND GIVING US SOMETHING TO BE PROUD OF THAT SERVICES THE AREA. WAIT! WE SHOULD BE PROUD OF A REPEAT OF THE SAME DEVELOPMENT MODEL THAT DIED OVER 10 YEARS AGO? TAXING OUR INFRASTRUCTURE WHERE ROADS ARE ALREADY CLOGGED? INTRODUCING AN EXPERIMENTAL 200,000 PLUS SQUARE FOOT DISCOUNT STORE THAT OPERATES 24 HOURS A DAY IN THE MIDDLE OF THE NEIGHBORHOOD? AND LOWERING OUR PROPERTY VALUES AND PUSHING OUT AREA LOCAL BUSINESSES? TRYING TO DISRESPECT THE NEIGHBORHOOD IN THE AREA, AUSTIN AS A CITY AND YOU AS A CITY COUNCIL AND MAYOR. YOUR CITIZENS KNOW AND YOU KNOW THAT IT'S NOT TOO LATE. PERMS HAVE NOT BEEN APPROVED PERMITS HAVE NOT BEEN APPROVED. WE ASK YOU TO PUT ON HOLD ANY PERMITS UNTIL YOU HAVE ANSWERED THE QUESTIONS THAT YOU RAISE TODAY. [BEEPING] MONTH ONE HAS BEGUN CONSTRUCTION AND YOUR CITIZENS ARE WORKING FOR YOU TO PROVIDE REPORTS. I WILL LEAVE WITH YOU A QUOTE THAT I HAVE ON MY BATHROOM MIRROR, SO THAT I SEE IT EVERY MORNING. I ASK YOU TO CONSIDER IT EACH TIME THAT YOU ARE PRESENTED WITH SOMETHING REGARDING THIS DEVELOPMENT. IT READS: TODAY WILL I

DO THE LEAST I HAVE TO DO OR WILL I DO THE MOST I CAN DO? THANK YOU.

Mayor Wynn: THANK YOU, MS. HILL. SO, COUNCIL, THAT CONCLUDES OUR CITIZENS SIGN UP LIST FOR OUR GENERAL CITIZENS COMMUNICATION. THERE BEING NO MORE DISCUSSION ITEMS, OR NO -- NO AFTERNOON BRIEFINGS, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL UNTIL OUR 4:00 TIME CERTAIN ZONING CASES. WE ARE NOW IN RECESS. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS OVER THREE HOURS. WE GO TO OUR 4:00 ZONING AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS AND WELCOME MR. GREG GUERNSEY.

THANK YOU, MAYOR. GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING. ITEM 44, CASE C 14-06-0018, THE PROPERTY LOCATED AT 6203 BERKMAN DRIVE. THIS IS A REZONING APPLICATION FROM FAMILY RESIDENTIAL SF-3 TO NEIGHBORHOOD COMMERCIAL MIXED USE OR LR-MU COMBINING DISTRICT. THIS WAS APPROVED ON FIRST READING NOVEMBER 2 AND AFTER THE MEETING WAS HELD WE HAD A COUPLE NEIGHBORHOOD REPRESENTATIVES THAT CAME FORWARD THAT SAW THE LENGTHY AGENDA ON THE MEETING ON THE 2nd AND THOUGHT YOU WOULD TAKE LONGER TO GET TO THIS ITEM. ONE OR TWO OF THEM ARE HERE THIS EVENING. IF YOU WOULD LIKE TO SPEAK TO THEM, I THINK THEY WOULD BE EAGER TO SPEAK TO YOU. I'LL JUST NOTE THAT. AND THEN GO ON TO THE NEXT ITEM. ITEM 45, CASE C 14-04-134, THE LAKE LINE AUSTIN DEVELOPMENT PROPERTY LOCATE AT NORTH FM 620 AND RIDGELINE. A REZONING FROM COMMERCIAL HIGHWAY, GENERAL COMMERCIAL SERVICES OR CS, AND COMMUNITY MECIAL CONDITIONAL OVERLAY ZONING. AND LIMITED OFFICE CONDITIONAL OVERLAY OR LO-CO TO GENERAL OR -- EXCUSE ME, COMMUNITY COMMERCIAL, MIXED USE COMMERCIAL OVERLAY FOR TRACT 1 AND LIMITED OFFICE CONDITIONAL OVERLAY OR LOCO FOR TRAVIS COUNTY 2. READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM 44 WAS ALSO READY FOR CONSENT

APPROVAL ON SECOND AND THIRD READINGS.

Mayor Wynn: REMIND US, SO ITEM 44, WHAT DID WE APPROVE ON FIRST READING?

YOU APPROVED THE ZONING FOR MIXED USE WHICH IS A NEIGHBORHOOD COMMERCIAL MIXED USE OR LRMU, WHICH WAS I WANT I WANT WITH THE PLANNING COMMISSION'S RECOMMENDATION FOR THE PROPERTY.

Mayor Wynn: HOW ABOUT STAFF RECOMMENDATIONS?

STAFF ALSO MADE THE SAME RECOMMENDATIONS.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, I THINK WE'RE GOING TO HAVE A RELATIVELY LIGHT LOAD THIS EVENING AND WE HAVE A COUPLE OF MEMBERS FROM THE BERKMAN NEIGHBORHOOD AREA SO WITHOUT OBJECTION WE'LL GLADLY HAVE THEM COME ADDRESS US. SORRY YOU MISSED THE PUBLIC HEARING THE LAST TIME.

THANK YOU, MAYOR. YEAH, I WAS IN THE PARKING GARAGE AS YOU WERE VOTING ON IT TRYING TO GET UP HERE. MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO SPEAK ON THIS ISSUE AGAIN. THE WINDSOR PARK NEIGHBORHOOD ALONG WITH UNIVERSITY HILLS IS CURRENTLY IN THE NEIGHBORHOOD PLANNING PROCESS AND WHILE THIS PROJECT WAS -- I'M SORRY, THE APPLICATION WAS DELAYED DURING THE FIRST PART OF OUR PROCESS, AND I APPRECIATE THAT OPPORTUNITY, I ALSO HAVE TO POINT OUT THAT BECAUSE WE HAD A GROUP TOGETHER LOOKING AT ZONING, THIS PROJECT OR THIS APPLICATION GOT MORE SCRUTINY THAN PROBABLY ANY THAT HAVE HAPPENED IN WINDSOR PARK IN ITS HISTORY. SO WE SPENT A CONSIDERABLE AMOUNT OF TIME LOOKING AT THIS PARTICULAR LOCATION. BERKMAN IS A GENERALLY RESIDENTIAL STREET WITHIN WINS SORE PARK. THIS PARTICULAR BLOCK IS ALL RESIDENTIAL. THIS PARTICULAR LOT IS SURROUNDED BY NOTHING BUT SINGLE-FAMILY RESIDENTIAL AND I'M SORRY THERE'S MULTI-FAMILY TOO. BUT IT'S ALL RESIDENTIAL. WITHIN A BLOCK, ONE BLOCK ON THE OTHER SIDE OF AN ELEMENTARY SCHOOL FROM THIS PROPERTY IS WINDSOR VILLAGE WHICH IS

UNDERUSED RETAIL SPACE. THERE'S ALSO ADDITIONAL COMMERCIAL ZONED AND UNDERUTILIZED SPACE WITHIN ABOUT A MINUTE'S WALK FROM THIS PROPERTY. SO I -- I RESPECT MR. HANA'S WISHES ON THIS. HE'S BEEN VERY SUPPORTIVE OF OUR NEIGHBORHOOD NEWSLETTER, BUT AGAIN THE NEIGHBORHOOD LOOKED AT THIS FOR A LONG TIME AND DECIDED THAT WE REALLY HAVE PLENTY OF UNDERUTILIZED RETAIL SPACE WITHIN THE NEIGHBORHOOD AND THAT THIS PARTICULAR STRETCH OF BERKMAN SHOULD REMAIN RESIDENTIAL. SO WE SUPPORTED SF-6 ZONING WHICH WOULD ALLOW I THINK CONDOMINIUM OR TOWNHOUSE TYPE OF DEVELOPMENT. IT'S A SMALL HOUSE ON A HALF ACRE LOT AND WE REALIZE THAT'S NOT A PARTICULARLY GOOD AND APPROPRIATE USE FOR THAT LAND, BUT RETAIL SEEMS TO BE A LITTLE BIT MORE INTENSE THAN WE LIKE. AGAIN BEING SURROUNDED BY A COUPLE OF SINGLE-FAMILY USES WHICH WOULD TRIGGER COMPATIBILITY AND LIMIT WHAT COULD BE DONE WITH THE PROPERTY. WE'RE TRYING TO, YOU KNOW, KEEP THE TRAFFIC IMPACT ON BERKMAN DOWN. IT'S GOING TO BE IMPACTED PRETTY SIGNIFICANTLY WHEN MILLER OPENS UP AND BERKMAN IS EXTENDED INTO IT. SO THERE'S -- WE REALLY WOULD LIKE TO MAINTAIN THE RESIDENTIAL CHARACTER HERE. IF YOU HAVE ANY OTHER QUESTIONS, I'LL BE HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU. QUESTIONS OF THE SPEAKER?
COUNCILMEMBER COLE. COAL TAR.....

Cole: I DIDN'T DRIVE BY THIS AND I'M TRYING TO ENVISION WHERE ON BERKMAN -- CAN YOU GIVE ME A FEW LANDMARKS.

YOU KNOW WHERE WINDSOR VILLAGE IS. IMMEDIATELY NORTH IS HARRIS ELEMENTARY. AND THEN THE STREET NORTH OF THAT IS WHE. LIS. THE BLOCK ON THE CORNER OF WHELIS AND BERKMAN IS A SMALL APARTMENT COMPLEX AND THIS LOT IS JUST TO THE NORTH OF THAT.

AND THE NEIGHBORHOOD IS JUST BEHIND THAT.

RIGHT. THERE ARE SINGLE-FAMILY MOBILE HOMES ON THE

STREET.

Mayor Wynn: QUESTIONS? THANK YOU, RICK. THERE ARE A COUPLE OF OTHER PEOPLE FROM WINDSOR PARK IF YOU ARE INTERESTED IN HEARING FROM THEM.

Mayor Wynn: IF WE HAVE QUESTIONS, THERE ARE OTHER NEIGHBORHOOD REPRESENTATIVES. I'M CURIOUS, MR. GUERNSEY, IS THE APPLICANT AND AGENT HERE BY ANY CHANCE?

I'M NOT SURE.

Mayor Wynn: SOMEBODY RAISING HIS HAND.

I GUESS HE IS HERE.

Mayor Wynn: COUNCIL, JUST TO NOTE WE HAVE THE APPLICANT HERE WITH US. SO COUNCIL, WE'VE HAD A RECOMMENDED CONSENT AGENDA OF YOU....ITEMS 44 AND 45, THESE TWO CASES WHERE WE'VE ALREADY CLOSED THE PUBLIC HEARING. THEY ARE BOTH READY FOR SECOND AND THIRD READING. I'LL ENTERTAIN A MOTION. MOTION BY MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS PROPOSED; THAT IS, APPROVING ITEMS 44 AND 45 ON SECOND AND THIRD READING. SECONDED BY COUNCILMEMBER MARTINEZ. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER McCracken temporarily off the dais. THANK YOU ALL.

THANK YOU ARE, MAYOR AND COUNCIL. LET ME CONTINUE ON TO OUR ITEMS. THESE ARE PUBLIC HEARING ITEMS SCHEDULED FOR 4:00. THE FIRST ITEM IS ITEM 46, CASE C 14-04-0030, THE TIME INSURANCE PROPERTY AT 1405 AND 1415 EAST RIVERSIDE DRIVE. A RELATED CASE ON ADJOINING PROPERTY IS ITEM 47, C 14-06-0117, TIME INSURANCE 2 FOR THE PROPERTY LOCATED AT 1317 EAST RIVERSIDE DRIVE AND 1220 IH-35. THE APPLICANT HAS REQUESTED POSTPONEMENT OF THESE ITEMS TO JANUARY 11th, 2007. ITEMS 48 AND 49 ARE ALSO RELATED. ITEM 48 IS NPA-06-0009.01, UNIVERSITY ENTERPRISES FOR THE PROPERTY

LOCATED AT 1901 AND 1903 EAST 11th STREET. AND THIS IS AN AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE MAP FOR THIS PROPERTY. ITEM NUMBER 49 IS CASE C 14-06-0159, AGAIN UNIVERSITY ENTERPRISES, FOR 1901 TO 1903 EAST 11 STH STREET. AND THIS IS A REZONING CASE RELATED TO THAT PROPERTY. STAFF IS RECOMMENDING POSTPONEMENT OF THESE ITEMS TO JANUARY 11, 2007. THAT'S 48 AND 49. ITEM 5, C 2 A-84-002, SCHLUMBERGER PDA FOR 8311 RR 620 NORTH. STAFF IS RECOMMENDING POSTPONEMENT OF THIS ITEM. IT WILL BE REVIEWED BY THE ZONING AND PLATTING COMMISSION ON DECEMBER 19th. THE POSTPONEMENT DATE STAFF SUGGESTS IS JANUARY 11, 2007. ITEM 51, C 14-06-0066, FURROWS NORTH PROPERTY AT 13427 POND SPRINGS ROAD. FROM INTERIM RURAL TO GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY COMBINING DISTRICT ZONING FOR TRACT 1 OR CS-CO, AND COMMUNITY COMMERCIAL CONDITIONAL OVERLAY OR GOCO FOR TRACT 2 AND IT IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND READY FOR CONSENT APPROVAL ON ALL THREE READINGS. I WOULD NOTE THE PRIVATE AND RESTRICTIVE COVENANT BETWEEN THE NEIGHBORHOOD AND THE PROPERTY OWNER HAS BEEN AGREED TO AND I'VE GOT ACKNOWLEDGE OF THAT BY E-MAIL FROM THE NEIGHBORHOOD. ITEM 52 AND 53 ARE RELATED ITEMS. ITEM 52, NPA-06-0009.03, CALAVAN 2 PROPERTY, AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN FOR THE CENTRAL EAST AUSTIN NEIGHBORHOOD TO AMEND THE FUTURE LAND USE MAP FROM SINGLE-FAMILY USE TO OFFICE MIXED USE. THE PROPERTY AT 1204 SALINA STREET. THIS IS RECOMMENDED BY THE PLANNING COMMISSION. THE RELATED ITEM ALSO RECOMMENDED BY THE PLANNING COMMISSION IS REZONE THAT SAME PROPERTY FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN OR SF-3 NP COMBINING TO LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLANNING COMBINING DISTRICT ZONING. READY FOR CONSENT APPROVAL ON ITEMS 52 AND 53. ITEM 54 IS CASE C 14-06-0173, KALEIDOSCOPE PROPERTY AT 6400 FM 969, THIS IS A REZONING REQUEST FROM GENERAL OFFICE NP TO GENERAL OFFICE MIXED USE NEIGHBORHOOD. PLANNING COMMISSION DID RECOMMEND THIS. HOWEVER, STAFF IS

RECOMMENDING A POSTPONEMENT OF THIS ITEM TO DECEMBER 14th TO WORK OUT SOME ISSUES ON THE PROPERTY WITH THE APPLICANT. ITEM 55 IS CASE C 14-06-0185, LAMAR SQUARE. THIS IS A REZONING CASE AT 1340 AND 1342 LAMAR SQUARE. A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES TO GENERAL COMMERCIAL MIXED USE CONDITIONAL OVERLAY OR CS-MU-CO. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT THE GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT AND THIS IS READY FOR ALL THREE READINGS. ITEM 56 IS CASE C 14-06-0189, THE DELL CURTO PROPERTY AT 2608 DELL CURTO FROM SF-3 TO SF-5. THE PLANNING COMMISSION DID RECOMMEND THE YOU.... URBAN FAMILY COMMISSION OVERLAY COMBINING ZONING. CURRENTLY THERE IS CONDITIONAL OVERLAY WHICH LIMITS THE PROPERTY TO FOUR DWELLING UNITS. IT'S MY UNDERSTANDING THE PROPERTY OWNER AND THE NEIGHBORHOOD HAVE ALSO AGREED TO ONE ADDITIONAL CONDITION THAT WOULD REDUCE THE AMOUNT OF IMPERVIOUS COVER ON THE PROPERTY ALLOWED FROM 55 TO 50%. AND WITH THAT ONE CHANGE, AND I BELIEVE THAT BEING CLE ENOUGH THAT THE ONE ADDITIONAL CONDITION BEING ADDED TO THE C.O., 50% IMPERVIOUS COVER, THIS COULD BE ALSO APPROVED ON ALL THREE READINGS THIS AFTERNOON. ITEM 57 IS CASE C 14-06-0190, PROPERTY KNOWN AS BLOCK 21. THIS IS A CITY INITIATED REQUEST FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT, CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE CENTRAL BUSINESS DISTRICT CENTRAL URBAN REDEVELOPMENT CONNELL OVERLAY AND THIS IS READY FOR ALL THREE READINGS. ITEM NUMBER 58 IS CASE C 14-06-0195. GAINES PROPERTY AT 4978 U.S. HIGHWAY290 WEST. THIS IS REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES OR CS DISTRICT ZONING TO COMMERCIAL LIQUOR SALES CONDITIONAL OVERLAY. THE PLANNING COMMISSION RECOMMENDATION WAS THE GRANT THE COMMERCIAL LIQUOR SALES CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. STAFF WOULD LIKE TO POINT OUT THERE ARE THREE ADDITIONAL PROHIBITED USES THE APPLICANT HAS AGREED TO PRIOR TO GOING TO THE COMMISSION BUT MAY

NOT HAVE BEEN NOTED IN THE BACKUP BUT IN THE ORDINANCE. THESE WOULD INCLUDE PET SERVICES, BAIL BONDS AND PAWN SHOPS AND THESE WOULD BE ADDITIONAL PROHIBITED USES. WITH A NOTATION OF THOSE THREE AND THE REVISED ORDINANCE WHICH IS ON YOUR DAIS IN YELLOW, THIS COULD BE OFFERED FOR ALL THREE READINGS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE APPLICANT'S AGENT AND THE APPLICANT DO NOT TO BE THE POSTPONEMENT. THIS WOULD BE FOR ONE WEEK TO YOUR DECEMBER 7 DECEMBER 7TH MEETING. AND WITH THAT, THAT ENDS THE ITEMS THAT WE CAN OFFER ON CONSENT THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUR SI. SO COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE PUBLIC HEARING ZONING CASES WILL BE TO CLOSE THE PUBLIC HEARING ON TUNNELS WHERE WE TAKE ACTION, BUT TO POSTPONE ITEMS 46, 47, 48, 49 AND 50 TO JANUARY 11th, 2007. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEMS 51, 52 AND 53. TO POSTPONE ITEM 54 TO DECEMBER 14 ITS, 2006. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEMS 55, 56, 57 AND 58, NOTING THAT ON ITEM NUMBER 56 WE'RE ADDING THE ADDITIONAL IMPERVIOUS COVER RESTRICTION AND THAT ON ITEM NUMBER 58 THE ADDITIONAL ITEMS ARE ACTUALLY IN OUR REVISED ORDINANCE THAT IS HERE IN YELLOW ON THE DIE IS AS. DIAS. AND ALSO TO POSTPONE ITEM NUMBER 61 TO DECEMBER 7TH, 2006. I'LL ENTERTAIN THAT MOTION.

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Leffingwell: I'LL MOVE APPROVAL, MAYOR.

Mayor Wynn: MOTION MADE AND SECONDED TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? MECHANIC.

McCracken: I JUST HAD A QUESTION BASED ON SOME OTHER THINGS TO MAKE SURE THAT AS ZONING CASES COME FORWARD TO THEY'RE COMPLYING WITH THE DESIGN

STANDARDS ORDINANCE AND SO I GUESS I WANTED TO FIND OUT AS STAFFED WORKED THIS IN TO MAKE SURE THEY WILL APPLY THE DESIGN STANDARDS ORDINANCE OR CAN WE DO AN EFFECTIVE DATE TO MAKE SURE THEY ARE COMPLYING WITH THE DESIGN STANDARDS ORDINANCE.

STAFF HASN'T SPOKEN DIRECTLY TO THE APPLICANT WITH RESPECT TO THE DESIGN STANDARDS. I GUESS IT WOULD BE DEPENDENT ON WHEN THEY BRING IN THEIR SITE PLANS OR DEVELOPMENT APPLICATIONS. IF THERE IS A DESIRE, WE COULD DEFER ACTION ON THESE ITEMS AND WE WOULD ASK TO ASK THE APPLICANTS IF THEY WOULD BE WILLING TO EITHER, A, DELAY ACTION TO PREPARE A RESTRICTIVE COVENANT TO SEE IF THRELD BE IN AGREEMENT WITH -- IF THEY WOULD BE IN AGREEMENT WITH THOSE RESTRICTIONS OR B, YOU COULD JUST DO SECOND READING, JUST DO FIRST READING ON THESE ITEMS OR BRING THOSE ITEMS BACK AT A LATER DATE.

..

McCracken: COULD WE MAKE IT THEN COULD BE CONTINUE JENT -- IT STRIKES ME -- IF THE EFFECTIVE DATE IS THE EARLIER OF JANUARY 31st OR AT SUCH TIME AS A COMPLIANCE FOR AN AGREEMENT IS REACHED TO COMPLY WITH DESIGN STANDARDS. I GUESS WE'RE ALL LOOK AT MARTY NOW.

Mayor Wynn: THAT'S RIGHT. MS. TERRY?

COUNCILMEMBER, THE MOST EFFECTIVE WAY TO DO IT AT THIS POINT IN TIME, TO MAKE SURE THAT WE ARE BELT AND SUSPENDERS ON THIS, AND I'M SURE THAT THAT'S WHAT WE REALLY WANT TO DO IS EITHER DO A RESTRICTIVE COVENANT OR SIMPLY GOING AHEAD AND TAKE THESE NOT ON THIRD READING UNTIL AFTER THE DATE OF THE --

McCracken: SO IN OTHER WORDS THEY COULD DO A RESTRICTIVE COVENANT OR COME BACK?

YES. AND MY RECOMMENDATION IN THAT REGARD IS THAT WE NOT DO IT ON A CONTINGENCY BASIS, THAT WE GO ON AHEAD AND JUST DO SECOND READING, GET THE

RESTRICTIVE COVENANT IN PLACE AND AS SOON AS WE GET THE RESTRICTIVE COVENANT IN PLACE, BRING THOSE CASES BACK.

McCracken: OKAY.

I THINK THAT IS A MUCH BETTER WAY OF APPROACHING IT RATHER THAN DO IT ON A CONTINGENCY BASIS BECAUSE ON A CONTINGENCY BASIS YOU'RE NEVER QUITE CLEAR WHEN THE ORDINANCE IS EFFECTIVE. IT'S A MUCH CLEANER WAY OF DOING IT. SO I THINK WHAT WE NEED TO KNOW IS WHICH CASES ARE AFFECTED BY THAT.

ANYONE THAT'S NOT A MULTI-FAMILY, UNLESS IDENTITIES A CORE TRANSIT CORRIDOR. IN OTHER WORDS, IT DOESN'T APPLY TO SINGLE-FAMILY.

YOU'RE SPEAKING OF THE COMMERCIAL DESIGN STANDARDS.

McCracken: RIGHT. BUT SOMETIMES THINGS LIKE THE SETBACK RULES APPLY EVEN TO MULTI-FAMILY AND INDUSTRIAL IF THEY'RE LOCATE ODD A CORE TRANSIT -- IF THEY'RE LOCATE ODD A CORE TRANSIT CORRIDOR. THE ONLY ONES I SEE RIGHT OFF THE BAT THAT WOULD NOT APPEAR TO REQUIRE DESIGN STANDARDS IS ITEM 50 AND ITEM 56 OR ITEM 57. ITEM 60. PROBABLY 61 BUT I THINK THAT'S GETTING POSTPONED.

60 IS ACTUALLY A DISCUSSION. 61 IS POSTPONEMENT. WHAT WE CAN DO ON THE OTHER ITEMS, I GUESS THAT WOULD BRING IT TO LEAVING 55, 53 AND 51. PERHAPS COUNCIL COULD DO FIRST READING TODAY, AND THEN GIVEN THAT SOME OF THESE MAY HAVE REAL ESTATE TRANSACTIONS THAT MAY OCCUR BEFORE THE END OF THE YEAR, WE WOULD SUGGEST THAT WE BRING THEM BACK NEXT WEEK AS SECOND AND THIRD READING ITEMS AND THAT WOULD GIVE US TIME TO CONTACT THE PROPERTY OWNERS AND FIND OUT WHAT THE STATUS WOULD BE AND EITHER, A, WE COULD TAKE ACTION NEXT WEEK FOR SECOND AND THIRD READINGS ON THESE ITEMS OR DEFER TO ONE MORE WEEK POSSIBLY TO THE 14TH AND THEN THAT WOULD GIVE TIME TO FINISH DRAFTING THE COVENANTS. THAT WOULD BE

ACCEPTABLE.

THAT WOKZ FOR ME. -- THAT WORKS FOR ME. WOULD YOU CONSIDER THAT A FRIENDLY AMENDMENT?

ITEM NUMBER 51, INSTEAD OF BEING FOR THREE READINGS TODAY, THAT WOULD BE FOR FIRST READING ITEM 53, INSTEAD OF THREE READINGS, THAT WOULD BE FIRST READING. AND ITEM 55 INSTEAD OF BEING THREE READINGS, THAT WOULD BE FIRST READING. AND THEN WE COULD GO BACK AND CONTACT THOSE APPLICANTS OF THE COUNCIL'S DESIRE AS BEING REFLECT ODD FIRST READING APPROVAL, BRING THESE BACK FOR SECOND AND THIRD READING NEXT WEEK, AND THEN NOTE WHETHER THE APPLICANT IS IN AGREEMENT WITH THOSE CONDITIONS AND PERHAPS ON ONE OF THESE I KNOW WE ALREADY HAVE I THI A RESTRICTIVE COVENANT, THEY MAY BE ABLE TO ADD TO THAT ONE AND ADDRESS THOSE CONCERNS. WHAT I'M NOT SURE IS IF THERE'S ANYONE -- IF THE APPLICANTS ARE HERE FOR THESE ITEMS, THEY MAY ALSO WANT TO SPEAK BECAUSE THEY COULD SIMPLY SAY THAT THEY WOULD BE IN AGREEMENT TO BRING IT BACK AT A LATER DATE OTHER THAN THAT, BUT THAT'S MY ONLY SUGGESTION.

Mayor Wynn: UNDERSTOOD. SO ARE ANY OF THE APPLICANTS AND/OR THEIR AGENTS -- MR. SUTTLE, DO YOU WANT TO COME FORWARD IN THIS IS ITEMS 51, 53 AND 55 THAT YOU HAVE HEARD THAT CITY COUNCIL READY TO APPROVE UNANIMOUSLY, BUT THE TIMING IS SUCH THAT WE WANT TO MAKE SURE THAT THESE COMMERCIAL PROJECTS BEGIN TO COMPLY WITH OUR NEW COMMERCIAL DESIGN STANDARDS.

I UNDERSTAND. MAYOR AND COUNCIL, I'M HERE ON BEHALF OF THE APPLICANT ON NUMBER 51. 51 IS A PIECE OF PROPERTY THAT HAS BEEN ANNEXED. IT HAS EXISTING BUILDINGS ON IT. AND THERE'S NO REDEVELOPMENT GOING ON IT, BUT IT HAS AN INTERESTING SITUATION. THEY'VE ON CUT FOR SOME UTILITY LINES AND THE CUT IS OPEN AND WE'RE WAITING ON THE SITE PLAN EXEMPTION TO ENABLE A TENANT TO DO IT IN AND DO A CHANGE OF USE. THE BUILDING IS THERE, BUT IT'S A CHANGE OF USE. WHAT THE CITY STAFF IS WAITING ON IS ALL THREE READINGS OF THE CASE TO GET THE ZONING CONSISTENT WITH THE USE

THAT'S MOVING IN THERE, THEN ONCE THE ZONING IS DONE THEY CAN DO THE CHANGES USED, THEY CAN GET THEIR BUILDING PERMIT AND THEY CAN COVER UP THE UTILITY LINES. SO THIS IS A CASE WHERE IT'S NOT A REDEVELOPMENT, WITHOUT ALL THREE READINGS AND WE'VE BEEN IN NEGOTIATIONS WITH THE NEIGHBORHOOD FOR A LONG TIME, HE CAN'T EVEN MOVE A TENANT IN. AND I KNOW IT SOUND CRAZY THAT ONE WEEK WOULD MAKE A DIFFERENCE --

McCracken: I DON'T CARE ABOUT 51. THAT'S FINE. THAT SEEMS REASONABLE TO ME. PULL 51 OUT OF THE DESIGN STANDARDS. THAT SOUNDS FAYE. SO IT WOULD BE JUST 53 AND 55.

Mayor Wynn: SO COUNCILMEMBERS LEFFINGWELL AND COLE, DO YOU CONSIDER AMENDING YOUR CONSENT AGENDA TO REDUCE ITEMS 53, IF YOU WILL, TO FIRST READING ANNUAL AND ITEM 55 TO FIRST READING ONLY.

Leffingwell: OKAY.

Mayor Wynn: COUNCIL, WHILE WE HAVE A MOTION ON THE TABLE, WE HAVE ONE CITIZEN SIGNED UP TO ADDRESS TWO OF THESE ITEMS THAT ARE TO BE APPROVED ON CONSENT AGENDA. MR. JEFF JACK? ARE YOU OKAY, JEFF? THANK YOU. COUNCILMEMBER MARTINEZ.

Martinez: I JUST HAVE A QUESTION. ON THE ITEMS THAT WE'VE POSTPONED, SHOULD WE ALSO NOT RENOTIFY ANY OF THOSE CASES THAT WE WOULD WANT THEM TO COMPLY AS WELL? I MEAN, WE JUST POSTPONED A BUNCH OF ITEMS AND I DON'T WANT -- IF WE CAN AVOID DOING THIS AGAIN --

McCracken: YEAH, YOU HAVE THE SAME IDEA I DID, COUNCILMEMBER. MY SUGGESTION, GREG, IS BECAUSE WE'VE AALREADY ADOPTED THE DESIGN STANDARDS ORDINANCE, WE'RE JUST IN THE TRAINING PHASE, THAT WE START LOADING INTO ALL OF OUR APPLICABLE ZONING CASES GOING FORWARD THAT THEY -- SO WE CAN WORK SOMETHING OUT IN ADVANCE. I KNOW YOU'RE JUST HEARING THAT TODAY. I THINK THAT WOULD BE A VERY

HELPFUL THING. I THINK IT'S A GREAT SUGGESTION.

UNDERSTOOD.

Mayor Wynn: WHAT'S YOUR PREDICTION AS TO THE TIMING OF THE COMMERCIAL DESIGN STANDARDS IMPLEMENTATION IN A FORMAL WAY?

THE COMMERCIAL DESIGN STANDARDS ARE EFFECTIVE ON JANUARY THE 13TH, SO WE'RE RIGHT AROUND THE CORNER. THEY'RE NOT THAT MANY MORE OF THESE THAT WE'RE GOING TO SEE.

ALL RIGHT. THANK YOU.

Mayor Wynn: SO WE HAVE AN AMENDED MOTION AND A SOAKED THE TABLE TO APPROVE CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. GUERNSEY.

THANK YOU. THAT BRINGS US BACK TO ITEM NUMBER 59. THIS IS REDEEMER PRESBYTERIAN CHURCH AT 2105 ALEXANDER AVENUE. AT FIRST READING WHEN COUNCIL APPROVED THE ORDINANCE, IT WAS FOR GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THERE WAS SOME REQUEST OF THE APPLICANT TO GET WITH STAFF TO TALK ABOUT COMMERCIAL DESIGN STANDARDS APPLICATION TO THE PROPERTY. THAT HAS BEEN DONE. ALSO TO THE EXTENT POSSIBLE, STATION AREA PLANS. WE DO NOT HAVE AN ORDINANCE DRAFTED FOR YOU THAT REALLY STATIONS THE STATION AREA PLANS BECAUSE THAT IS A PROCESS THAT WILL TAKE PLACE IN THE FUTURE, SO AT THIS TIME WE'RE ASKING FOR I GUESS ADDITIONAL DIRECTION FROM THE CITY COUNCIL, BUT WE KNOW THAT THE APPLICANT'S REPRESENTATIVE, MR. RICHARD SUTTLE, WOULD ALSO LIKE TO ADDRESS COUNCIL ABOUT THE DESIGN STANDARDS' PORTION THAT YOU HAVE ASKED FOR.

WITH THAT I THINK I'LL TURN IT OVER TO MR. SUTTLE. THIS IS A PUBLIC HEARING. THE PUBLIC HEARING IS STILL OPEN, BUT PERHAPS A BRIEF PRESENTATION BY MR. SUTTLE ADDRESSING THE DESIGN STANDARDS COMPONENT ABOUT WHAT HIS CLIENT CAN OR CAN'T DO WOULD BE HELPFUL.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell:, THE MOTION APPROVED ON FIRST READING WAS FOR AN AMENDMENT TO A CO OF 60 FEET FOR THE SANCTUARY AREA ONLY?

THAT'S CORRECT. THERE'S A MAP YOU SHOULD HAVE WITH YOUR LATE BACKUP MATERIAL THAT REFLECTS THE FIELD NOTE AREA. AND LET ME PUT THAT ON THE VIEWER.

Mayor Wynn: SO MR. SUTTLE, IF YOU COULD SORT OF SET THE STAGE TO SORT OF REMIND US SORT OF WHERE WE WERE AND THEN WE HAVE A NUMBER OF FOLKS SIGNED UP - - WE'LL ACTUALLY HEAR HOPEFULLY A LENGTHY PRESENTATION FROM MR. McBEE.

THERE'S AN EXHIBIT THAT YOU SHOULD HAVE THAT WILL SHOW THE SMALLER AREA THAT WOULD BE LIMITED TO THE 60-FOOT HEIGHT. THAT'S THE AREA BEING REZONED.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO IF THIS WERE APPROVED FOR THE FOOTPRINT ONLY, THE ADDITIONAL HEIGHT FOR THE FOOTPRINT ONLY, IS THAT SET, THE EXACT LOCATION BY METES AND BOUNDS?

THAT'S CORRECT. THEY WOULD NOT BE ABLE TO EXCEED THAT HEIGHT.

Leffingwell: IT CAN'T BE MOVED AFTER THIS PROCESS?

THEY CAN COME BACK TO REZONE A DIFFERENT PORTION OF THE PROPERTY TO ASK FOR ADDITIONAL HEIGHT, NO, THEY WOULD NOT BE ABLE TO EXCEED THAT LIMITATION.

Mayor Wynn: FURTHER QUESTIONS OF MR. GUERNSEY,

COUNCIL? IF NOT, THEN WE WILL ESSENTIALLY CONTINUE OUR PUBLIC HEARING AND WELCOME BACK MR. RICHARD SUTTLE.

THANK YOU, MAYOR, MEMBERS OF COUNCIL. I'M RICHARD SUTTLE HERE ON BEHALF OF REDEEMER PRESBYTERIAN CHURCH TONIGHT. JUST TO GIVE A RECAP, REDEEMER IS A CHURCH THAT IS CURRENTLY WORSHIPPING IN TEMPORARY FACILITIES OVER AT THE CONCORDIA LUTHERAN COLLEGE ON I-35. THEY ARE GETTING INTO A TIME BIND BECAUSE AS YOU KNOW CONCORDIA WILL BE MOVING AWAY AND THEY WILL BE LOSING THE ABILITY TO WORSHIP THERE. PRIOR TO THIS AREA BEING A T.O.D. AND PRIOR TO THE RAIL ELECTION, REDEEMER ENTERED INTO NEGOTIATIONS AND ACTUALLY BOUGHT THIS TRACT, 11 ACRES, TO DO THEIR CHURCH ON THE 11 ACRES. SUBSEQUENT TO THAT WE HAD THE RAIL ELECTION AND THE T.O.D. ORDINANCES AND ALL AND IT WAS DETERMINED THROUGH RESEARCH AND AUGUST THAT THEY WANTED TO BUILD AN ACOUSTICALLY CORRECT SANCTUARY THAT INCLUDED MORE THAN 40 FEET OF HEIGHT. FOR INSTANCE, IN ORDER TO GET AN ORGAN WITH THE PIPES IN IT AND ALL AND THE CHOIR LOST AND ALL, IT NEEDED MORE THAN 40 FEET. IT'S NOT A MATTER OF DENSITY, IT'S NOT A DENSITY BONUS LIKE WE TALK ABOUT OFTEN TIMES WITH HEIGHT, IT'S JUST A SHEER FUNCTIONALTY OF THIS PLACE TO WORSHIP. THE ZONING CASE WAS FILED ON THE ENTIRE 11 ACRES ASKING FOR 60 FEET OF HEIGHT. WE HAD NUMEROUS MEETINGS WITH THE SURROUNDING NEIGHBORHOODS FOR OVER A YEAR. CAN YOU CAN LOOK ON YOUR PACKET AND SEE POSTPONEMENT AFTER POSTPONEMENT. WE'RE NOT ABLE TO COME TO A COMPLETE AGREEMENT ON IT FOR MANY REASONS. BUT IN THE END, WHAT WE AGREED TO DO WAS LIMIT THE HEIGHT INCREASE TO JUST THE FOOTPRINT OF THE SANCTUARY. AND THAT -- THE DIAGRAM THAT YOU SAW THAT WAS UP THERE, THAT'S ESSENTIALLY WHAT THIS ZONING CASE IS ABOUT, 11 ACRES STAYS THE SAME, NOTHING CHANGES ON IT. WHERE YOU SEE THE SANCTUARY MARKED ON THERE, THAT IS THE FOOTPRINT THAT IS DESCRIBED BY METES AND BOUNDS BY A SURVEYOR WHERE WE NEED THE ADDITIONAL FEET IN ORDER TO DO THE CHURCH TO ACCOMMODATE THE CHOIR LOFT, THE ACOUSTICS AND THE ORGAN. AT THE LAST

HEARING YOU PASSED BY A VOTE OF SIX TO ONE THAT THE SITE WOULD DEVELOP OUT UNDER THE COMMERCIAL DESIGN STANDARDS AND ALSO TO LOOK AT HOW THE STATION AREA PLANNING PROCESS WOULD AFFECT IT. WE'VE SINCE HAD A MEETING WITH A GOOD MANY OF YOUR CITY STAFF, AND ALTHOUGH THERE HAS BEEN NO SITE PLAN FILED BECAUSE YOU FIRST ZONE AND THEN YOU GO DESIGN AND DO A SITE PLAN, THE CHURCH HAS DONE A CONCEPTUAL SITE PLAN. WE SAT DOWN WITH THE CITY STAFF AND WITH SOME TWEAKS WHICH WE HAVE OUR ARCHITECT TO GO OVER WITH YOU IF YOU WOULD LIKE TO, WE HAVE DETERMINED THAT WE CAN ACTUALLY MEET THE COMMERCIAL DESIGN STANDARDS, THAT IS WITH THE CALF YET THAT WITHIN THE DESIGN STANDARDS THERE'S THE ABILITY TO DO EQUIVALENT ALTERNATIVE COMPLIANCE. FOR INSTANCE, ONE OF THE DESIGN STANDARDS PROVISIONS SAYS THAT HAVE YOU TO HAVE A CERTAIN AMOUNT OF CLEAR GLASS. WELL, PHASE ONE OF THIS PROJECT IS THE SANCTUARY AND IT WILL NOT HAVE THE CLEAR GLASS THAT THE COMMERCIAL DESIGN STANDARDS SAYS YOU NEED TO HAVE; HOWEVER, WHAT WE HAVE DETERMINED IS THAT PHASE TWO, WHICH WOULD BE THE EDUCATION WINGS THAT WOULD COME LATER, THE OVERALL PROJECT WOULD. WE CAN MEET THE BLOCK LENGTH REQUIREMENTS BY ADJUSTING SOME OF OUR DRIVEWAYS AND OUR INTERNAL CIRCULATIONS, WE CAN MOVE ONE OF THE BUILDINGS INSIDE THE INTERNAL CIRCULATION ROUTE AND DIVIDE THIS INTO ACTUALLY A BLOCK THAT WOULD BE SURFACE PARKING ON MANOR ROAD A BLOCK WHERE THE SANCTUARY AND THE BUILDINGS WOULD BE, A BLOCK WHERE THE OTHER BUILDINGS, THE DETENTION POND AND THE DRIVEWAYS WOULD BE AND THEN THE SOUTHERN THREE ACRES WHICH IS THE CLOSEST TO THE RAIL STOP, THERE WAS A DESIRE BY THE NEIGHBORHOOD AND IT SOUNDED LIKE THE COUNCIL THAT THAT WOULD BE SOMETHING OTHER THAN CHURCH USE AND KIND OF -- AND KIND OF BE PART OF THE T.O.D. AS YOU KNOW WITH CHUFNZ YOU HAVE CHURCH GOVERNING BODIES AND THEN CONGREGATIONAL APPROVAL. YOU ALSO HAVE TAX EXEMPTION ON THE PROPERTY AND THE AREA THAT THEY PLAN TO EXPAND ON, AND SO THOSE ARE -- [BUZZER SOUNDS] -- THINGS THAT WE HAVE TO TAKE INTO ACCOUNT,

BUT REDEEMER PRESBYTERIAN IS WILLING TO SAY THAT SUBJECT TO THE APPROPRIATE PAPERWORK AND THE APPROPRIATE TIMING THAT THAT SOUTHERN THREE ACRES COULD BE PART OF THE T.O.D. DIFFERING FROM THE RELIGIOUS ASSEMBLY USE. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. OUR ARCHITECT IS HERE TONIGHT AND WE'RE ANXIOUS TO GET -- I KNOW WE CAN ONLY DO SECOND READING TONIGHT. WE'RE ANXIOUS TO GET SECOND TONIGHT AND THIRD NEXT WEEK SO THE CHURCH DOESN'T END UP HOMELESS WHEN THEY END UP HAVING TO LEAVE CONCORDIA. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. SUTTLE, COUNCIL?

Cole: MR. SUTTLE, THE TIMER WENT OFF AND YOU STOPPED WHEN YOU WERE JUST EXPLAINING THE THREE ACRES AND WHAT THE CHURCH WAS WILLING TO DO WITH THAT SUBJECT TO CERTAIN APPROVALS. AND I WOULD LIKE YOU TO EXPAND ON THAT.

OKAY. AT SOME POINT IN THE PROCESS, SOMEBODY THOUGHT THAT IF THIS ZONING CASE DID NOT GO THROUGH THAT THERE WOULDN'T BE A CHUFN..... CHURCH HERE. AND AT SOME POINT SOMEBODY ELSE SAID IF THAT DIDN'T HAPPEN THEN THE NEIGHBORHOOD PLAN COULD MOVE FORWARD AND THERE WERE SOME THAT SAID THE NEIGHBORHOOD PLAN DIDN'T INCLUDE A CHURCH. THAT LED TO A DISCUSSION OF, WELL, DOES THE WHOLE 11 ACRES NEED TO BE RELIGIOUS ASSEMBLY? AND THERE WAS A DESIRE TO SHOW MAYBE THE SOUTHERN THREE ACRES NOT BE RELIGIOUS ASSEMBLY, BUT ACTUALLY BE SOME SORT OF MIXED USE. THE CHURCH IS WILLING TO SAY THAT ESVEN....SVEN....SVEN..... EVENTUALLY THAT COULD BE SO. NOW, IT'S COMPLICATED BECAUSE IF WE WROTE IT DOWN ON A PIECE OF PAPER TODAY THAT IT'S SOMETHING OTHER THAN CHURCH USE, THE CHURCH THEN HAS A TAX IMPLICATION BECAUSE NOW THEY OWN A PIECE OF PROPERTY THAT THEY CLEARLY CAN'T CLAIM AS EXPANSION. AND SO THEN THE CHUFN TAKES ON A -- THE CHURCH TAKES ON A TAX LIABILITY. WHEREAS IF WE CAN TIME IT DEFINITELY AND GET A DEVELOPER IN THERE OR GET IT SOLD IN SUCH A WAY THAT THE CHURCH DOESN'T

HAVE TO TAKE ON THE TAX BURDEN, THAT IS ONE OF THE CONDITIONS THAT THE CHUFN WOULD SAY THAT'S FINE.

Cole: SO AT THIS TIME THE WAY YOU'RE ANALYZING IT, YOU BELIEVE THAT YOU ACTUALLY HAVE TO HAVE THAT THIRD-PARTY DEVELOPER IN PLACE, SO YOU COULDN'T ACTUALLY CONTEMPLATE LIKE A PRIVATE RESTRICTIVE COVENANT WITH THE NEIGHBORHOOD ON THIS, YOU WOULD HAVE TO ACT -- I GUESS I'M WANTING YOUR THOUGHTS ON THAT.

THAT'S CORRECT. THE MINUTE WE WRITE IT DOWN AND IT BECOMES A DOCUMENT THAT FOREVER PRECLUDES THE ABILITY TO DO CHURCH THERE, THEN IT IS NOW COMMERCIAL PROPERTY, NOT PART OF THE CHUFN'S EXPANSION PLAN -- THE CHURCH'S EXPANSION PLAN AND IT BECOMES A LIABILITY TO THE CHUFN AT THAT POINT.

Mayor Wynn: FURTHER QUESTIONS OF MR. SUTTLE?
COUNCILMEMBER MCCRACKEN.

McCracken: WOULD YOU SHOW US THE ARCHITECT'S CONCEPT TO GET US THERE ON THE DESIGN STANDARDS?

SURE. LET ME SEE IF THIS BLACK AND WHITE WUBL WILL SHOW UP ON YOUR SCREEN. IF NOT WE HAVE AN OLDER COLORED ONE. WHAT THIS REPRESENTS IF YOU'RE LOOKING AT THAT, YOU'VE GOT MANOR THERE WHERE THE PARKING LOT IS. THAT'S BLOCK ONE. BLOCK TWO WOULD BE THE AREA WHERE YOU SEE THE BUILDINGS. AND BLOCK THREE WOULD BE THE AREA WHERE YOU SEE SOME PARKING AND SOME DETENTION. AND BLOCK FOUR WOULD BE THE FINAL THREE ACRES THAT WOULD BE OUTSIDE OF THE CHURCH'S MASTER PLAN AND BE SOMETHING OTHER THAN THE CHURCH.

McCracken: PERSONALLY I DON'T THINK THIS -- THAT IS COMPLIANT, BUT I WOULD LIKE TO HEAR FROM GEORGE ADAMS ON HIS THOUGHT TOO BECAUSE IT DOESN'T LOOK LIKE THE PARKING LOT IS A SEPARATE BLOCK. THAT'S WHAT WE HAVE TO GET SORTED OUT. I THINK WE'RE WE'RE CLOSE ON THIS, BUT MY PERSONAL UNDERSTANDING IS THAT WOULD NOT GET US THERE.

MAYOR AND COUNCILMEMBERS ACTION MY NAME IS GEORGE ADAMS. I'M WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. WE DID MEET WITH MR. SUTTLE AND OTHER REPRESENTATIVES FOR THE CHURCH ON I BELIEVE MONDAY OF THIS WEEK AND LOOKED AT THIS SITE PLAN. I THINK -- OUR GENERAL INTERPRETATION WAS CONSISTENT WITH WHAT MR. SUTTLE REPRESENTED. WE INDICATED THAT WE FELT LIKE WITH SOME FAIRLY MINOR CHANGES TO THE SITE PLAN THAT IT COULD COMPLY WITH I GUESS A STRICT INTERPRETATION OF THE DESIGN STANDARDS. NOW, HAVING SAID THAT WE ALSO TRIED TO COMMUNICATE THAT WE FELT LIKE THERE WERE SOME CHANGES THAT COULD BE MADE IN THE SITE PLAN THAT WOULD GO FURTHER TO MEETING KIND OF THE SPIRIT OF THE ORDINANCE. AND PRIMARILY WHAT I MEAN BY THAT IS DIVIDING THE SITE UP INTO A MORE REGULAR DIRECT LINEAR PATTERN THROUGH THE USE OF WHAT IN THE ORDINANCE IS TERMED INTERNAL CIRCULATION ROUTES. I GUESS THE ANSWER IS MR. SUTTLE'S REPRESENTATION IS CONSISTENT WITH WHAT WE SAID IN THE MEETING AND WE FELT LIKE AT THE SAME TIME IT COULD BE TAKEN A STEP FURTHER TO MEET THE SPIRIT OF THE ORDINANCE.

McCracken: I WOULD SAY THAT YOUR INTERPRETATION IS CORRECT AND THAT IN FACT THE SPIRIT IS THE RULE, THE GRID THAT IT DOES REQUIRE A GRID. SO I THINK I AGREE WITH YOUR ASSESSMENT. WHAT I SEE, FOR INSTANCE, IS IT REQUIRES THAT IF YOU HAVE -- THAT THE BLOCKS -- THE PARKING LOT IS NOT A SEPARATE BLOCK, IT IS MERGED IN WITH THE CHURCH DEVELOPMENT AND NEEDS TO BE INTO A SEPARATE BLOCK BOUNDED BY SIDEWALK. AND I DO AGREE WITH YOUR ASSESSMENT THAT IT NEEDS TO BE MORE GRID-LIKE THAN IT IS. I THINK IT'S VERY CLOSE AND IT DOES NOT LOOK LIKE IT REQUIRES MASSIVE CHANGES, BUT I WOULD AGREE WITH YOUR ASSESSMENT AND THE ONLY CALF.....CAVEAT I WOULD PERSONALLY ADD IS THAT I THINK THAT THE SPIRIT ACTUALLY IS THE LAW, THAT AND IT GOES FURTHER THAN THE SPIRIT. IT DOES REQUIRE A GRIDLOCK. THIS WILL BE IN YOUR ADMINISTRATIVE AUTHORITY TO IMPLEMENT THAT. I THINK YOU HAVE A CORRECT READING OF IT.

MAY I RESPOND? BECAUSE CHURCHES ARE UNIQUE

ANIMALS, THEY HAVE UNIQUE FEATURES, FOR INSTANCE, YOU COME HERE, YOU WOULD BASICALLY HAVE A BLOCK, A BLOCK, A BLOCK AND A BLOCK. WHAT GEORGE IS TALKING ABOUT AS BEING MORE GRID-LIKE, THAT WOULD TIEWM SOOUM THAT YOU WOULD GO ACROSS HERE, BUT YOU ACTUALLY CANNOT CROSS. THIS IS THE RAILROAD TRACK. YOU CAN'T GET CROSS, CAN'T GRI, BUT WHAT OUR DESIGNERS HAVE SAID IS THAT IT'S BETTER TO LINE UP THAT STREET,, IT ALLOWS THE INTERNAL CIRCULATION TO COME HERE FOR THE CHURCH, WHICH IS ONE OF THE UNIQUE FEATURES, BUT WE IMMEDIATELY GET BACK OVER TO THE GRID SYSTEM, ALTHOUGH IT'S NOT A STRAIGHT LINE IT DOESN'T HAVE TO BE, IT CAN'T GO ANYWHERE, AND THEN IT COMES BACK THIS WAY AND THEN IT COMES BACK OUT THIS WAY.

McCracken: AND RICHARD, I THINK YOU'RE REALLY CLOSE, BUT A CORE REASON FOR WHY WE WANT THE PARKING BLOCKS TO BE GRID-LIKE IS BECAUSE OF THE ABILITY TO REDEVELOPMENT THEM IN THE FUTURE. SO MY CONCERN IS THAT, FOR INSTANCE, AT THE POINT THAT THIS SURFACE BLOCK WOULD BE REDEVELOPED THAT THE SHAPE OF THE BLOCK YOU SEE IS THE SHAPE OF THE BLOCK THAT WOULD BE CONVEYED AND DEVELOPED. SO THAT WEIRD LITTLE SPUR AT THE BOTTOM WOULD BE CONVEYED WITH THE SURFACE BLOCK.

[INAUDIBLE - NO MIC].

THAT LITTLE SPUR AT THE BOTTOM IS A BRICK AMENITY. I'M SORRY, I'M JANE STANFIELD, AN ARCHITECT WHO HAS WORKED ON THIS. WE WERE HOPING TO CREATE A PEDESTRIAN COURTYARD HERE ON BOTH SIDES OF THIS ROAD HERE. IT WOULD BE VERY SIMILAR TO THE EUROPEAN (INDISCERNIBLE) THAT HAVE YOU IN FRONT OF A CA...CATHEDRAL OR MAJOR CHURCH. YOU COME AND DROP PEOPLE OFF HERE. THIS WOULD BE A GARDEN. WE WANTED TO BRING THE GARDEN ACROSS THIS INTERNAL CIRCULATION ROUTE ROUT AND ACTUALLY BE VISIBLE FROM ALEXANDER. WE FELT WE MIGHT HAVE A SIDEWALK THAT CAME IN THIS WAY. I WOULD ARGUE THAT ALTHOUGH THIS ROAD MAKES THIS APPEAR TO BE ONE OF THE BLOCKS, POSSIBLY THIS BELONGS MORE TO THIS SIDE AND THIS IS

THE BLOCK THAT ALTHOUGH THE LEVELS AREN'T VERY GOOD AT THE MOMENT, IT COULD ONE DAY BECOME A PARKING GARAGE OR SOMETHING. I DON'T KNOW WHAT WOULD HAPPEN IN THE FUTURE.

McCracken: YES. IT'S VERY MINDFUL TO COMPLY WITH THE DESIGN STANDARDS ORDINANCE. WHATEVER STREET IT IS WILL HAVE TO BE BOUNDED BY A STREET OR SIDEWALK ON BOTH SIDES.

WE DIDN'T FEEL BRINGING A TREAT OUT HERE WAS GOOD TRAFFIC SENSE.

McCracken: THAT WOULD BE SOMETHING THAT YOU AND STAFF WOULD WORK OUT. BUT TO GIVE YOU AN EXAM, JANE, THE -- GIVE AUSTIN EXAMPLE, JANE, THE DRAWING OF THE PARKING LOT, IT IS NOT A BLOCK BOUNDED BY SIDEWALKS ON BOTH SIDES, SO THAT'S AN EXAMPLE WHERE THAT WOULD NEED TO BE CHANGED. KEEP GOING.

IT'S RIDICULOUS TO PUT A SIDEWALK HERE. THIS IS A RETAINING WALL.

McCracken: SEE WHERE YOU HAVE THAT OUT. THAT SHOULD BE A CURB WITH SIDEWALKS.

THIS IS A DROPOFF HERE.

...

McCracken: YOU HAVE TO HAVE IT ON BOTH SIDES.

WE TALKED TO CITY STAFF ABOUT THAT AND THAT'S FINE. WE CAN PUT A SIDEWALK HERE. I THINK THE SIDEWALK OUGHT TO CONNECT IN HERE AND MAYBE IT GOES DOWN TO HERE. THAT'S NOT A BIG DEAL.

McCracken: OKAY. WELL, Y'ALL WORK THAT OUT WITH GEORGE ADAMS, BUT I SHARE GEORGE'S ASSESSMENT WITH WHAT THE ORDINANCE REQUIRES AND EXPECTS. SO MY CONCERN IS THAT DOESN'T QUITE MEET WITH THE INTENT OF THE ORDINANCE AND PROBABLY NOT THE ACTUAL LANGUAGE TOO. BUT I THINK THAT IT SPEAKS TO A VERY

MODEST MODIFICATION, THE LAYOUT OF THE SITE WORKS AND IN FACT THE LAYOUT OF THE SITE YOU COME UP WITH IS CONSISTENT IS WHAT OTHERS CAME UP WITH IN THE ENVISION CENTRAL TEXAS PLAN FOR WE'VE BEEN IDENTIFYING AS THE FEATHER LIGHT TRACT. SO YOUR LAYOUT WORKS IF YOU GET YOUR BLOCKS RIGHT.

THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OF THE ARCHITECT OR MR. SUTTLE BEFORE WE START TAKING TESTIMONY? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I DON'T HAVE A QUESTION OF MR. SUTTLE, BUT THERE ARE SOME CAPITAL METRO PEOPLE HERE AND IF IT'S APPROPRIATE, I'D LIKE FOR THEM TO COME UP AND DESCRIBE CAPITAL METRO'S FUTURE PLANS FOR BOTH ENDS OF THIS DEVELOPMENT, THIS PROPOSAL.

Mayor Wynn: IT WOULD BE. THANK YOU, COUNCILMEMBER.

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I AM WITH CAPITAL METRO. I AM HERE TO GIVE A BRIEF PRESENTATION ABOUT THE MARTIN..... MARTIN LUTHER KING JUNIOR STATION. AS A BRIEF HISTORY OF THE PROJECT, NOVEMBER OF 2004 AUSTIN DIRECTED CAPITAL METRO TO PROCEED WITH THE COMMUTER RAIL PROGRAM ON THE COMMUTER RAIL EXISTING FREIGHT LINES FROM AUSTIN TO LEANDER TEXAS. SOON AFTER THAT, FEBRUARY OF 2005, CAPITAL METRO HIRED PROJECT CONSULTANTS AND BEGAN WORKING ON THE PLANNING AND DESIGN. DECEMBER OF 2005 CAPITAL METRO COMPLETED THE ENVIRONMENTAL ASSESSMENT FOR THE ENTIRE PROJECT. AND AUGUST OF 2006 CAPITAL METRO AWARDED THE FIRST CONSTRUCTION CONTRACT FOR FIRST RAIL STATION AT LEANDER, TEXAS. THE COMMUTER RAIL STARTS FROM DOWNTOWN AND GOES ALL THE WAY TO LEANDER TEXAS. IT'S A 32-MILE CORRIDOR WHICH HAS NINE RAIL STATION OZ IT. MARTIN LUTHER KING JUNIOR IS THE THIRD STATION FROM DOWNTOWN AUSTIN. IT THIS STATION IS LOCATED AT THE NORTHEAST CORNER -- SOUTHEAST CORNER OF MLK AND ALEXANDER AVENUE. THIS IS THE COMMUTER RAIL

TRACT OVER HERE -- TRACK OVER HERE ON THE EAST SIDE AND THIS IS BOGGY CREEK WATERSHED AREA. THE STATION LOCATION IS LOCATED ON THE OLD FEATHER LIGHT PROPERTY AND OUR DIRECT ACCESS WILL BE FROM THE EXTENSION OF ALEXANDER AVENUE. THIS SHOWS THE ACCESS FROM ALEXANDER AVENUE AND THIS IS THE SECOND ROUNDABOUT HERE. WE'VE GOT THE MAIN TRACK OVER HERE AND WE HAVE THE CENTRAL PLATFORM LOCATED IN THE MIDDLE OF THE TWO. THIS IS THE BLAWSES IS A RIGHT HERE -- PLAZA RIGHT HERE AND A COMMUTER BUS TRANSFER HERE. TO GIVE YOU A BETTER IDEA, WE HAVE AREA FOR THE SITE PLAN WHICH SHOWS CLEARLY THE ACCESS FROM ALEXANDER AVENUE COMING IN AND THIS IS THE BUS ONLY LANE. AND OTHER TRAFFIC WILL OBTAIN OTHER SIDE OF THE PLAZA RIGHT HERE. THIS IS THE LOCATION OF THE CENTRAL PLATFORM. THIS IS THE PLAZA AREA IN BETWEEN THE BUS AND RAIL SYSTEM HERE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] YOU...WE'RE CONFIDENT THAT WE CAN WORK WITH THE CHURCH AND THE NEIGHBORHOOD ASSOCIATION AND WE WELCOME THEIR INTEREST IN OUR COMMUTER RAIL PROGRAM. BEFORE I TURN IT OVER TO MY COLLEAGUE, RANDY HUME, WHO IS GOING TO TALK ABOUT THE STREET CAR ROUTE WHICH WILL BE THERE IN THE FUTURE, YOU MAY ASK ANY QUESTIONS AND I'LL TRY ANSWER THEM.

Mayor Wynn: THANK YOU, SIR. COUNCILMEMBER LEFFINGWELL. LEAF LIVE SO LOOKING TO THE NORTHEAST --

Leffingwell: SO LOOKING TO NORTHEAST, IS THAT THE TRACK WE'RE TALK BEING HERE? CAN YOU TELL US THAT? THIS IS SOUTH OF MARTIN LUTHER KING.

THIS IS TOWARDS THE SOUTHEAST OF MARTIN LUTHER KING. THE STATION LOCATION IS EXACTLY 600 LINEAR FEET SOUTHEAST OF MARTIN LUTHER KING --

600 FEET OF MARTIN LUTHER KING AND ALEXANDER?

YES.

Mayor Wynn: FURTHER QUESTIONS? WELCOME.

MAYOR AND COUNCIL, MY NAME IS RANDY HUME, ALSO WITH THE COMMUTER RAIL PROJECT TEAM WITH CAPITAL METRO, BUT I'M ALSO THE CO-PROJECT MANAGER FOR THE FUTURE CONNECTIONS STUDY, AND I WILL QUICKLY GO THROUGH -- MOST OF YOU HAVE SEEN MOST OF THIS PRESENTATION, BUT I WILL GO THROUGH THAT JUST TO GIVE YOU AN OVERVIEW AS TO WHERE WE ARE IN THIS PARTICULAR AREA. AGAIN, WE CALL IT THE CENTRAL AUSTIN CIRCULATOR. AGAIN, THIS IS A PROCESS WE'VE BEEN GOING THROUGH FOR ABOUT THE LAST 18 MONTHS AND AGAIN IT'S A STUDY PROCESS WHERE WE'VE TAKEN A LOT OF OPTIONS AND NARROWED THOSE DOWN, A LOT OF REFINING AND WE'RE ABOUT TO THAT POINT THAT SHOWS THE LOCALLY PREFERRED ALTERNATIVE WHERE WE START WITH GOLDEN OBJECTIVES AND THE CORRIDOR NEEDS. THIS HAS BEEN -- WE'VE HAD A LOT OF PUBLIC INPUT, A LOT OF COMMUNITY INVOLVEMENT. I JUST WANT TO POINT OUT TWO MAJOR EVENTS. ONE WAS FEBRUARY FOURTH WE HAD OVER 200 PEOPLE AT AN EVENT AT THE CONVENTION CENTER AND WE TOOK A CONCEPT AND WE WORKED WITH SEVERAL GROUPS AND NARROWED THAT DOWN AND CAME UP WITH WHAT IS OUR RELATIVE HUMIDITY ALIGNMENT. AND THEN IN AUGUST WE HAD -- WE ALSO HAD -- PARTICIPATED IN A WORKSHOP THAT WAS PUT ON BY THE NEIGHBORHOODS IN THAT AREA. WE WERE A PARTICIPANT. WE WEREN'T THE SPONSOR OF IT. IT WAS VERY INFORMATIVE AND WE REALLY APPRECIATED THE OPPORTUNITY, BUT WE'VE MET WITH NUMEROUS NEIGHBORHOODS. WE'VE DONE WEBSITE SURVEYS JUST TO MAKE SURE THAT WE WERE LISTENING TO THE COMMUNITY. THESE ARE OUR GOALS AND I WON'T READ THOSE, BUT YOU CAN SEE IS THAT THEY PROVIDE A LOT OF BE A BUS CAN GO A LOT OF PLACES, BUT THE STREET CAR IS A LITTLE MORE RESTRICTIVE. THIS IS OUR PROPOSED ALIGNMENT AT THIS TIME FROM OUR ALTERNATIVES ANALYSIS REPORT. OUR BOARD HAS NOT ACTED ON THIS YET, BUT GENERALLY IT RUNS FROM 51st AND MUELLER BOULEVARD UP NEAR THE CHILDREN'S HOSPITAL, HITS BOTH TOWN CENTERS WITHIN THE MUELLER DEVELOPMENT, COMES ACROSS MANOR TO DEAN KEETON, THROUGH U.T. DOWN UNTIL WE GET OVER TO CONGRESS AND SEAHOLM. THIS SHOWS THIS PARTICULAR AREA AND YOU SEE WE ARE SHOWING A SECOND STOP IN THIS AREA AT MANOR ROAD. THIS WOULD

BE A CROSS PLATFORM, A VERY SIMPLE STOP, BUT IT WOULD PROVIDE THAT CONNECTIVITY TO MAKE SURE IT'S A VERY CONVENIENT USE BETWEEN THE COMMUTER RAIL AND THE STREET CAR. AND THIS FEATHER LIGHT TRACT WOULD HAVE PROBABLY THE MOST INTENSIVE RAIL SERVICE AT THIS POINT IN TIME OF ANYPLACE IN THE CITY BECAUSE IT WOULD PROVIDE CONNECTIONS AT TWO POINTS AND WE WOULD CONTINUE TO WORK ON THIS.

Leffingwell: SO COULD YOU BACK UP TO THAT?

YES, SIR.

Leffingwell: SO THE NORTHERN MOST.....MOST STAR THERE IS A COMMUTER RAIL STOP AND TREAT CAR STOP THAT ARE CONNECTED TOGETHER?

YES, SIR. WE WOULD HAVE A COMMUTER RAIL STOP AS WELL AS A STREET CAR STOP.

Leffingwell: THANK YOU.

THE MARTIN LUTHER KING OPTION WORKS BETTER FOR US TO GET BUSES IN AND OUT OF THERE. THAT'S ONE REASON WE'RE HAVING TWO STOP, BUT WE FELT WE NEEDED THAT CONNECTIVITY BETWEEN THE STREET CAR CIRCULATOR AND THE COMMUTER RAIL. THIS IS JUST A COUPLE OF PICTURES OF THE MODERN STREET CAR. THESE PICTURES ARE FROM PORTLAND WHICH I KNOW SEVERAL OF YOU HAVE SEEN. IN SUMMARY, THESE ARE JUST SOME OF THE EXAISH SONS THAT WE'RE DOING BETWEEN BUS AND STREET CAR. THIS DECISION IS NOT MADE YET. ONE OF THE BIG ITEMS IN HERE IS THE DEVELOPMENT INCREMENT FOR THIS PROJECT THAT RAIL BRINGS IN TERMS OF INCREASED DEVELOPMENT. JUST A LITTLE BIT OF INFORMATION. GERNGS IT'S OVER A BILLION DOLLARS AND 2017 AND 1.5 BY 2030. WE HAVE OUR LOCALLY PREFERRED ALTERNATIVE AND THEN THERE ARE SEVERAL DECISION POINTS AS WE MOVE ALONG THROUGH A REFERENDUM. WE ARE CURRENTLY ACTUALLY WORKING ON A PARTNERSHIP AGREEMENT IN CASE THIS DOES BE APPROVED AND AGAIN, WE WANT TO EMPHASIZE THAT WE ARE WILLING TO WORK BOTH WITH THE NEIGHBORHOODS AND I THINK WE'VE BEEN

VERY COMMITTED TO THAT AS WELL AS THE REDEEMER CHURCH IN TERMS OF WORKING OUT THIS SITE. AND I'D BE GLAD TO ANSWER ANY QUESTIONS.

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Mayor Wynn: THANK YOU. ANY QUESTIONS OF OUR CAPITAL METRO STAFF? THANK YOU VERY MUCH. SO COUNCIL, WE'VE NOW SORT OF SET THE STAGE FOR THE CONTINUATION OF OUR PUBLIC HEARING. WE HAVE ABOUT 15 MINUTES BEFORE OUR LIVE MUSIC BREAK, BUT WE COULD GET THROUGH A LITTLE BIT OF THE TESTIMONY. OUR NEXT SPEAKER SIGNED UP -- I GUESS WE'LL TAKE THIS SEQUENTIALLY THE SAME WAY WE WOULD DO THE ORIGINAL PUBLIC HEARING, WHICH IS TO HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE AND THEN WE'LL HEAR FROM FOLKS IN OPPOSITION. MR. BARRY McBEE HAS SIGNED UP WISHING TO SPEAK. WELCOME BACK, BARRY. LET'S SEE, IS GEORGE OR MARK NELSON HERE? AND RONALD EMKIN. AND VICTOR CAR RIL LOW.

MR. MAYOR AND COUNCILMEMBERS, I WILL TAKE NOWHERE NEAR 15 MINUTES. LET ME IN LARGE PART AMPLIFY SOME THINGS MR. SUTTLE HAS SAID TO YOU. LET ME TALK TO YOU ABOUT ACTIVITIES SINCE OUR LAST TIME BEFORE YOU. WE HAVE CONTINUED WITH DISCUSSIONS WITH THE NEIGHBORHOOD GROUP LEADERSHIP. I KNOW THAT WAS SOMETHING THAT THE COUNCIL SEEMED TO WANT TO DESIRE. LET ME CLARIFY A COMMENT THAT WAS MADE AS PART OF OUR PRESENTATION WHEN WE WERE FIRST BEFORE YOU. THAT WAS SORT OF A REPRESENTATION OR A SENSE THAT THE NEIGHBORHOOD GROUPS DID NOT WANT A CHURCH ON THIS SITE. I THINK ONE OF THE IMPORTANT THINGS THAT CAME OUT OF OUR CONTINUED DISCUSSIONS WITH THE NEIGHBORHOOD GROUPS IS THERE IS NOT INHERENT OPPOSITION TO A CHURCH ON THIS TRACT. I WOULD CHARACTERIZE IT AND SOME OF THE NEIGHBORHOOD GROUP LEADERS MAY WISH TO HAVE THEIR OWN CHARACTERIZATION THAT THERE IS SOME CONCERN ABOUT A CHURCH LIKE REDEEMER, A CHURCH THAT WOULD COME IN AND USE SEVEN TO EIGHT ACRES OF THE TRACT AS CONTRASTED WITH A MUCH SMALLER COMPONENT THEREOF AND A CHURCH THAT IS NOT JUST A

NEIGHBORHOOD CHURCH DRAWING EXCLUSIVELY FROM THE NEIGHBORHOOD IN TERMS OF ITS MEMBERS. REDEEMER DOES DRAW FROM A VAST EX-PANS, SO WE VERY MUCH WANT TO SERVE THE NEIGHBORHOOD. RICHARD SUTTLE SAID THAT IN TERMS OF THE LOWEST LOW ACRES, THE SOUTHERN MOST THREE ACRES AT THE SITE THAT REDEEMER MIGHT EVENTUALLY DESIRE TO SELL THAT PROPERTY. THAT IS VERY MUCH A DESIRE ON OUR PART. HE NOTED A COUPLE OF THE ISSUES THAT ARE ASSOCIATED WITH THAT, BUT WE HAVE ALREADY HAD BOTH OVERTURES FROM AND DISCUSSIONS WITH SOME COMMERCIAL DEVELOPERS ABOUT A SALE OF THREE TO FOUR ACRES ON THE SOUTHERN PORTION. WE HAVE NOT, HOWEVER, DONE WHAT WE WOULD FEEL IS MOST PRUDENT FOR US TO DO, WHICH IS TO MARKET THE PROPERTY FOR SALE. THAT IS ONE OF THE THINGS THAT WE WOULD WANT TO SEE HAPPEN BEFORE WE WOULD MOVE TO A SALE. THERE IS NOT AN ABSOLUTE DETERMINATION OF WHEN WE NEED TO SELL THE PROPERTY IN TERM OF TIMING TO FINANCE OUR CONSTRUCTION ALTHOUGH THAT MIGHT BE SOONER RATHER THAN LATER. OUR SESSION, THAT IS, THE GOVERNING BODY, AND I AM A MEMBER THEREOF, HAS HAD THESE KIND OF DISCUSSIONS TO THIS POINT ALREADY. BUT AS RICHARD NOTED THERE ARE TWO SORT OF KEY CONDITIONS TO ANY SORT OF COMMITMENT ON OUR PART TO SELL AT THIS POINT. ONE IS THAT THERE WOULD BE AN ISSUE WITH TAX IMPLICATIONS. I THINK IF WE WERE TO HAVE ANY SORT OF BINDING COMMITMENT TO SELL AT ANY CERTAIN TIME, WHETHER THAT IS A PRIVATE RESTRICTIVE COVENANT, WHETHER THAT WOULD BE SOMETHING PUBLIC DONE IN THE WAY OF THE ORDINANCE, WE BELIEVE THAT WOULD IMPOSE SOME -- NOT KICKBACK, BUT LOOKING BACK IN TERM OF OUR PROPERTY'S ACTUAL EXEMPTION AND WE'RE NOT PREPARED TO WITHSTAND THAT AT THIS POINT. THAT IS ONE ELEMENT. THE SECOND IS WE HAVE A CONGRESSIONAL GOVERNANCE IS IF ANY SALE OF PROPERTY UNDER BOTH OUR INDIVIDUAL CHURCH BYLAWS AND OUR DENOMINATION INVOLVES A VOTE OF THE CONGREGATION, SO WE SESSION MEMBERS CANNOT MAKE THAT EQUIPMENT WITHOUT SEEKING CONGRESS GREGATIONAL APPROVAL. I WILL SAY THAT WE HAVE BEEN UP FRONT ABOUT THE SALE, BUT IN TERM OF THE

PRESENTATION ABOUT HOW WE WOULD FINANCE THE SANCTUARY, WE HAVE BUILT INTO THAT AN ASSUMPTION OF THE SALE WITH A CERTAIN AMOUNT THERE. SO IT IS KNOWN BY OUR CONGREGATION MEMBERS THAT A SALE IS CERTAINLY A POSSIBILITY IF NOT QUITE LIKELY. AND AGAIN, THE SESSION IN OUR DISCUSSIONS CONTINUES TO MOVE FORWARD THE LIKELIHOOD AT A SOONER TIME RATHER THAN LATER, BUT THE ABSOLUTE COMMITMENT TO DO SO NOW FORMALLY DOES POSE SOME PROBLEMS FOR THAT. I'D BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. McBEE, COUNCIL? THANK YOU.

SO LET'S SEE. I THINK THERE MAY HAVE BEEN -- WE HAVE A COUPLE OF FOLKS SIGNED UP IN FAVOR OF THE ZONING CASE, BUT NOT WISHING TO SPEAK. WE'LL READ THOSE NAMES IN THE RECORD AT A LATER MOMENT. OUR NEXT SPEAKER IS GORDON BENNETT WHO I SAW EARLIER. IS DUSTY MCCORMICK HERE HOW ABOUT RICHARD COFER? YOU WILL HAVE THREE MINUTES IF YOU NEED IT. YOU WILL BE FOLLOWED BY ANNIE HARDY.

COUNCILMEMBERS, THANK YOU. I'VE PUT COPIES OF THE MAIN POINT I WISH TO MAKE FOR CONVENIENCE. I HOPE I'M SPEAKING PRIVATELY HERE, THOUGH I'M A MEMBER OF THE CHERRY WOOD NEIGHBORHOOD ASSOCIATION STEERING COMMITTEE AND ALSO THE UPPER BOGGY CREEK PLANNING TEAM, BUT THE POINT I WISH TO MAKE IS A HOPE THAT COUNCIL WILL DEAL WITH THIS SITE AS A WHOLE, AND NOT HAVE SEPARATELY AND ALONE BUY THE REZONING REQUEST FOR THE HIGHER SANCTUARY. WE HOPE THAT WHAT YOU END UP DOING IS RESPOND TO REDEEMER'S REQUEST AND TO HAVE A CHURN AND TO HAVE -- HAVE A CHURCH AND TO HAVE A HIGH ACOUSTIC CEILING THAT WILL BE NICE FOR BEAUTIFUL MUSIC, BUT ALSO THAT YOU WILL ALSO ADDRESS THE REST OF THE 11 ACRES THAT THEY OWN NOW. THE CAPITAL METRO STATION WHICH MIGHT BE A TWO HEADED STATION WITH A STREET CAR STOP AND THE ATTENDANT T.O.D., ALL OF WHICH WE'RE TERRIBLY INTERESTED IN, WE GET THE IMPRESSION THAT REDEEMER IS ASKING ONLY FOR THE REZONING OF THE SANCTUARY SO THEY CAN HAVE A HIGH ACOUSTIC CEILING, AND MAKE IT

CLEAR THAT WE'RE HAPPY WITH THE CHURCH, WE'RE HAPPY WITH THE HIGH ACOUSTIC CEILING. WE'RE UNHAPPY WITH REDEEMER'S RELUCTANCE TO FACILITATE THE BEST POSSIBLE T.O.D. THIS TRANSIT STATION THEN, THE T.O.D., HAS BEEN YEARS IN THE MAKING. AND REDEEMER HAS COME INTO THE STORY IN A LATE CHAPTER. VERY QUICKLY, THE CHESTNUT -- WELL, DATE BY DATE, 1989, CHESTNUT NEIGHBORHOOD PLAN, RIGHT SOUTH OF THE SITE. THEN 2001 ROSEWOOD NEIGHBORHOOD PLAN, THAT CONTAINS THE FEATHER LIGHT INCLUDING -- [BUZZER SOUNDS] I THINK COFER HAS GIVEN ME THREE MORE MINUTES.

Mayor Wynn: I CALLED HIS NAME, BUT DIDN'T SEE HIS -- SO YOU HAVE THREE MORE MINUTES.

AND THEN 2002 YOU UPPER BOGGY CREEK WE'RE RIGHT NORTH OF THE SITE, THE NEIGHBORHOOD PLAN, AND ALL OF THE SITE THERE NORTH HAVE BEEN INTERESTED IN THIS SITE. AND ENVISION CENTRAL TEXAS IN APRIL 2003 AND THE TEST SITE OUT OF IT. AND WE ALL GATHERED AND EXPRESSED PREFERENCES FOR ALL KINDS OF MIXED USES. AND THEN IN JULY 2004 COUNCIL DIRECTED STAFF TO START PREPARING THE TRANSIT ORIENTED DEVELOPMENT ORDINANCE, AND THEN THAT SAME NOVEMBER 2004 VOTERS APPROVED THE 32-MILE COMMUTER LINE. AND THE VERY SAME MONTH THEY BOUGHT THE 11 ACRES, NOVEMBER 2004. AND THEN THE FOLLOWING MAY COUNCIL PASSED THE T.O.D. AND THEN A YEAR LATER, APRIL 2006, CAPITAL METRO PROPOSED THE STREET CAR LINK BETWEEN MUELLER AND DOWNTOWN. AND THIS PAST AUGUST OUR UPPER BOGGY CREEK PLANNING TEAM ORGANIZED AT U.T. WITH CAPITAL METRO AND U.T.'S HELP A WORKSHOP ON THINKING THROUGH PROBLEMS ASSOCIATED WITH THE THE STREET CAR ROUTE. SO OUR INTEREST IS FOR THE BEST POSSIBLE T.O.D. FOR REALLY A VIBRANT TRANSIT FACILITY OF SURROUNDING MIXED USE, RETAIL NEAR THE STATION, A LOT OF AFFORDABLE HOUSING, ALL THAT STUFF. ON THE SOUTHERN END OF IT THEY'RE THINKING ABOUT SELLING THREE OR FOUR ACRES AND THAT WILL BE GOOD. AND THEN FINALLY MY MAIN WORRY IS ON THE NORTHERN END RLT ON THE MANOR ROAD. THERE WE WOULD LIKE TO SEE GOOD MIXED USE THERE TOO AND SOME RETAIL NEAR THE STATION AND THE

STOP. I THINK THEY WANT TO PUT A SURFACE PARKING LOT, SO WE'RE HOPING THAT WE CAN USE WHAT LEVERAGE WE HAVE TO HE NEGOTIATE AND GET THE BEST POSSIBLE T.O.D. AND THEN APPROVE THE REZONING REQUEST. I HOPE THAT WE CAN END UP APPROVING THE HIGHER HEIGHT WITHOUT DOING ANYTHING OF THE OTHER THINGS.

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS ANNIE HARDY. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY SCOTT WAY.

COIN, MAYOR. FIRST OFF ON BEHALF OF THE CLIFFORD SANCHEZ ASSOCIATION I'M THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION. WE'RE ABOUT TWO BLOCKS AWAY FROM THE PROPOSED CHURCH SITE. AND I'D LIKE TO THANK YOU FOR CAREFULLY, CAREFULLY CONSIDERING. WE'VE BEEN INVOLVED IN THE ROSEWOOD SARAH GOES IS A NEIGHBORHOOD ASSOCIATION AS WELL AND BEEN DISCUSSING WITH THE SURROUNDING NEIGHBORHOODS THE IMPACT OF THIS PLAN. AND WE -- I WANTED TO BRING A COUPLE OF THINGS TO YOUR ATTENTION. SOME HAVE ALREADY BEEN SAID. I WANT TO ECHO WHAT THE GENTLEMAN BEFORE ME SAID IN STATING THAT WE HAVE NO PROBLEM WITH THE CHURCH BEING ON THE SITE. MY HUSBAND AND I MIGHT EVEN ATTEND CHURCH AT THAT SITE BECAUSE IT'S SO CLOSE AND SO CONVENIENT. WE'VE SPOKEN -- I PERSONALLY HAVE SPOKEN WITH THE OTHER CONGREGATION, SOME OF THE MEMBERS OF THE CONGREGATION, MR. McBEE, FOR INSTANCE, AND WE RESPECT THE CHURCH'S DESIRE TO GROW AND WE ENCOURAGE THE CHURCH TO GROW, BUT WE ALSO WANT THE COUNCIL TO BE EXTREMELY MINDFUL OF THE NEIGHBORHOOD PLAN THAT HAS EXISTED BEYOND THE PLANS OF THIS CHURCH. THE NEIGHBORHOOD PLAN HAS EXISTED FOR FIVE YEARS. THE CHURCH SITE PLAN IS KNEWER THAN THAT. OUT OUT NEWER THAN THAT. SO PLEASE CAREFULLY CONSIDER THAT THE NEIGHBORHOOD HAS SET TRANSIT ORIENTED DEVELOPMENT AS A FOCUS, AS A PRIORITY. AND THE CITY ITSELF IN BECOMING A WORLD CLASS CITY SHOULD AND IS PURSUING TRANSIT ORIENTED DEVELOPMENT AS WELL. COMMUTER RAIL IS GOING TO CONNECT US WITH FIRST CENTRAL TEXAS BRARJING OUT JUST LIKE EUROPEAN CITIES, VERY WELL CONNECTED.

AUSTIN IS MOVING IN THAT DIRECTION. THE WAY THIS LAND IS USED, THREE MILES FROM DOWNTOWN, ON THE COMMUTER RAIL CAN SET A TONE FOR THE REST OF THE DEVELOPMENT IN AUSTIN. AND IT WILL BE VERY WARY THAT IT JUST MIGHT. SO AS YOU'RE LOOKING AT THE WAY THESE NINE ACRES WILL BE USED, IF THEY SELL THE LOWER THREE, THE WAY THESE NINE ACRES WILL BE USED, THE FOOTPRINTS, THE RUNOFF, THE VERTICAL MIXED USE THAT IS NOT GOING TO BE ON THOSE NINE ACRES, WHAT THEY WILL BE USED FOR, CAREFULLY CONSIDER THE OUTLINE THAT THIS WILL SET FOR DEVELOPMENT IN CENTRAL TEXAS IN THE CENTRAL PART OF AUSTIN. SECOND, I'D LIKE TO STATE THE FACT THAT MY NEIGHBORHOOD ASSOCIATION HAS NOT HAD THE TOWNT EVEN SEE THE SITE PLANS. WE HAVEN'T BEEN GIVEN THE SITE PLAN. WE'RE PROBABLY THE CLOSEST NEIGHBORHOOD TO IT. THE NEIGHBORHOOD WAS GIVEN TO THE OTHER NEIGHBORHOOD ASSOCIATION ON MONDAY. SO WE TRULY HAVE NOT HAD A CHANCE TO CONSIDER THIS YET. SO WE WOULD LIKE TO SIT DOWN, LOOK AT THE SITE PLAN, INVESTIGATE THE USE OF THE SPACE AND REALLY TALK ABOUT IT. IF YOU'RE THINKING ABOUT CONSIDERING AND APPROVING THIS READING, PLEASE CONSIDER THAT THE NEIGHBORHOODS HAVE NOT BEEN FULLY ENGAGED IN IS UNDERSTANDING WHAT THE SITE IS GOING TO LOOK LIKE FLFER WE HAVEN'T BEEN ABLE TO FULLY CONSIDER THE IMPACT ON OUR NEIGHBORHOODS. PLEASE CONSIDER ALL THE POINTS I'VE MADE. THANK YOU.

Mayor Wynn: THANK YOU. BEFORE WE HEAR FROM SCOTT, ACTUALLY A COUPLE OF FOLKS ARE DONATING TIME TO SCOTT SO HE WILL BE SPEAKING LENGTHIER. THIS TAKES US TO OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS UNLESS YOU CAN DO IT IN ABOUT 90 SECONDS, SCOTT. I HATE TO CUT YOUR TIME SHORT.

I'LL BE BRIEF.

Mayor Wynn: THEN WELCOME.

THANK YOU, COUNCIL.

Mayor Wynn: CURRYING FAVOR OBVIOUSLY.

I'M SCOTT WAY WITH THE CHESTNUT REVITALIZATION OCEAN. I'M HERE ALSO ON BEHALF OF SEVERAL GROUPS WHO OPPOSE THIS ZONING CHANGE UNTIL REDEEMER COMES FORWARD WITH A SITE PLAN THAT HAS DEVELOPMENT BOTH ALONG MANOR AND ALONG THE SOUTHERN PORTION OF THEIR PROPERTY. I'D LIKE TO JUST SPEAK TO A FEW ISSUES THAT CAME UP. WITH REGARD TO THE PROPERTY TAX EXEMPTION ISSUE, I CALLED A PROFESSOR AT THE UNIVERSITY OF TEXAS SCHOOL OF LAW TODAY AND THEY DO NOT BELIEVE THAT THERE'S AN ISSUE WITH THE TAX CONSIDERATIONS. AND BEFORE COUNCIL ACCEPTS THAT AS AN ARGUMENT FROM THE CHURCH, I WOULD HOPE THAT YOU WOULD ASK FOR A LEGAL OPINION FROM THEIR COUNCIL ESTABLISHING WHAT WOULD CAUSE THEM TAX IMPLICATIONS. I THINK THAT WOULD BE WISE. THE SECOND ISSUE, I CONTACTED ALL THE SURROUNDING LARGE PROPERTY OWNERS, ALL OF WHICH HAVE HAD CONTACT WITH REDEEMER IN DIFFERENT WAYS. NONE OF THEM SUPPORT THE DEVELOPMENT THAT REDEEMER IS PROPOSING, BUT THEY ARE UNWILLING TO SIGN A PETITION BECAUSE FOLKS TO EAST ARE WORKING WITH REDEEMER, FOLKS TO THE NORTHWEST ARE WORKING WITH REDEEMER. IN VARIOUS WAYS THE CHURCH HAD THESE FOLKS LEVERAGED SO THEY CABLES PETITION AGAINST THE CHURCH. SO JUST BE ADVISED A ALL OF THE SURROUNDING LARGE PROPERTY OWNERS DO NOT SUPPORT THE CHURCH'S REQUEST. THIRD, I JUST WANT YOU ALL TO THINK ABOUT ANOTHER CHURCH, CONGRESS AVENUE CHURCH. I THINK YOU'RE FAMILIAR WITH THAT PROPERTY THAT'S BEING FAIRLY UNUSED NEXT TO THE CHURCH THAT IS USED AS PARKING ON CONGRESS AVENUE. THE SAME THING IS GOING TO HAPPEN TO MANOR ROAD IF WE DON'T HAVE DEVELOPMENT THERE. WE'LL HAVE PARKING, WHICH IS GREAT, BUT WE WON'T HAVE THE DEVELOPMENT WE NEED TO SUPPORT LONG-TERM TRANSIT. THIS IS ONE OPPORTUNITY WE HAVE TO EFFECT THAT. WOULDN'T YOU JUMP FOR JOY TO BE ABLE TO ACCEPT THAT DEVELOPMENT DOWN ON CONGRESS AVENUE? FINALLY, I HOPE YOU WILL KEEP THE PUBLIC HEARING OPEN SO PEOPLE CAN COME AND SPEAK AT THE NEXT COUNCIL HEARING ON THIS. AND I BELIEVE YOU'RE ONLY LOOKING AT THIS ON SECOND READING. IF DO YOU WANT TO VOTE YES FOR THE CHURCH

ACTION PLEASE DO IT ONLY ON SECOND READING SO THERE CAN BE A THIRD MEETING.

Mayor Wynn: THANK YOU. COUNCIL, THAT TAKES US TO LIVE MUSIC AND PROCLAMATIONS. WHEN WE RETURN THERE ARE STILL FOUR OR FIVE MORE SPEAKERS TO ADDRESS US, BUT I THINK WE'LL TAKE THAT UP IN SHORT ORDER. SO WE ARE NOW IN RECESS. THANK YOU VERY MUCH. STAY TUNED FOR SUNNY SWEENEY.

Mayor Wynn: JOINING US TODAY IS RISING COUNTRY STAR SUNNY SWEENEY. BEFORE SHE FOUND HERSELF AS A MUSICIAN HERE THIS AUSTIN SHE WAS TOURING COMEDY CLUBS IN NEW YORK CITY AND ONLY THREE SHORT YEARS IN THE MUSIC BUSINESS HAS SHE HAS ALREADY TOURED EUROPE, SHARED THE STAGE WITH DWIGHT YOAKUM AND SIGNED HER FIRST RECORD DEAL WITH NATIONAL'S BIG MACHINE RECORDS. SHE WILL RELEASE HER RECORD HEART BREAKER'S HALL OF FAME IN MARCH OF NEXT YEAR. PLEASE JOIN ME IN WELCOMING SUNNY SWEENEY. [APPLAUSE] . [MUSIC PLAYING] MIEWK MUSIC.....[MUSIC PLAYING] . [MUSIC PLAYING]

Mayor Wynn: TELL US WHERE DO WE HEAR YOU NEXT? WHERE ARE YOU GIGGING IN AUSTIN?

TONIGHT WE'RE AT CACTUS CAFE. WE ARE DOING AN ASCOWS TICK THING IN FRONT OF JIM LAUDERDALE. AND TOMORROW NIGHT WE'RE WITH MY FULL -- WE'VE GOT A FIVE PIECE HONKY-TONK BAND AND WE'RE DOING THAT AT CONTINENTAL AT 10.

Mayor Wynn: GREAT. SO YOU'VE GOT A WEBSITE, I GUESS.

SUNNYSWEENEY.COM. AND IF YOU'RE HAVE A MY SPACE PAGE, IT'S SUNNY SWEENEY BAND.

Mayor Wynn: AND THE CD ISN'T UNTIL THE SPRING?

YOU CAN BUY THE ONES I HAVE LEFT UNTIL -- YEAH, UNTIL I RUN OUT. AND THEN THEY'RE REPRESSING THEM. SO THEN ONCE I'M OUT I'M OUT AND THEN THEY WILL HAVE ALL THE

HEART BREAKER'S HALL OF FAME CD'S.

Mayor Wynn: WE HAVE A SPECIAL PROCLAMATION THAT READS: A LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER OUR AT THAT TIME STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY AS SUNNY SWEENEY DAY IN AUSTIN AND CALL ON ALL CITIZENS JOIN..... JOINING ME IN CONGRATULATING HERE. [APPLAUSE]

Mayor Wynn: WHILE SHE BREAKS DOWN ON THAT SIDE OF THE ROOM, I WILL TURN IT OVER TO MAIRPT.. MAYOR PRO TEM BETTY DUNKERLEY.

THANK YOU.....

Dunkerley: THANK YOU VERY MUCH. WE'RE HERE TODAY WITH A WONDERFUL PROCLAMATIONS. IT READS ADDS AS FOLLOWS: WILL THOSE REPRESENTING THE CHRONIC RESPIRATORY DISEASE GROUP COME FORWARD? KNOWN COLLECTIVELY AS CHRONIC OBSTRUCTIVE PULMONARY DISEASE, COPD IN THE MEDICAL JARGON, ARE THE FOURTH LEADING CAUSE OF DEATH IN THE U.S. AND WHEREAS 16 MILLION AMERICANS HAVE BEEN DIAGNOSED WITH SOME FORM OF COPD AND THE SAME NUMBER GO UNDIAGNOSED, WHICH IS WHY RAISING AWARENESS OF THE DISEASE AND ITS SERIOUS SIDE EFFECTS IS SO CRITICAL. AND WHEREAS COPD IS COMMONLY AN INVISIBLE DISEASE UNTIL STITCHES APPEAR, -- STITCHES APPEAR, BUT AWARENESS, EARLY DID.... DETECTION ARE CRUCIAL IN THE SLOWING OR THE SPREAD OF THE LUNG DISEASE. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM NOVEMBER 2006 AS CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH. AND THE PROCLAMATION IS SEALED AND SIGNED BY OUR MAYOR, WILL WYNN. [APPLAUSE]

I'M THE SENIOR DIRECTOR FOR THE AMERICAN LUNG ASSOCIATION BASED HERE IN AUSTIN. THIS IS MY THIRD

YEAR TO BE HERE AND AT TIMES I THINK WHAT IS THE PURPOSE TRULY FOR BEING HERE AND DOING A PROCLAMATION FOR COPD. IT'S BOTH CISM AND COMPLICATED -- BOTH SIMPLE AND COMPLICATE THE AT THE SAME TIME. IT'S SIMPLE BECAUSE IT'S NOT TOO HARD TO GET THE PRIVILEGE TO BE HERE, BUT IT'S COMPLICATED AND IT HAS A DEEPER PURPOSE THAN YOU MIGHT SEE ON THE SURFACE BECAUSE NOW THAT I'VE DONE THIS FOR TWO YEARS PRIOR I DO KNOW THAT THERE ARE MANY PEOPLE AT HOME TONIGHT THAT WOULD BE HERE IF THEY COULD BE TO TALK TO YOU OR AT LEAST TO REPRESENT WHAT WE'RE SAYING BECAUSE -- AND THEY CAN'T BE BECAUSE THEY'RE HOMEBOUND AND THERE ARE MANY MORE PEOPLE SUFFERING FROM THIS DISEASE THAN MANY OF US KNOW. I GUESS THEY'RE OXYGEN DEPENDENT AND DEPENDENT ON THEM TO BRING THEIR MEALS. AND OFTEN TIMES THEY DON'T FEEL COMFORTABLE GOING OUT AND THEIR PRIDE GETS TO THEM AND THEY DON'T WANT TO BE ACCIDENT DEPENDENT. IT'S NO SMALL MATTER, LUNG HEALTH. AGAIN FOR A THIRD YEAR I WANT TO CELEBRATE AS A NATIVE AUSTIN NIGHT THAT WE HAVE A SMOKING ORDINANCE TO PROTECT OUR CHILDREN. I'M A MOM. AND I LIKE BEING ABLE TO TAKE HIM PLACES WHERE HE CAN BREATHE. HE HAS ASTHMA. AND I SAY THAT BECAUSE WE DO KNOW THAT ASTHMA UNCONTROLLED FOR YEARS CAN LEAD TO COPD. SO IT'S SMOKING RELATED. WE CAN GAIN MOMENTUM FROM SMALL STEPS IN RAISING AWARENESS. THERE ARE A LOT OF PEOPLE BEING DIAGNOSED IN THEIR 30'S AND 40'S IN THIS DISEASE. IF YOU HAVE A CHRONIC COUGH OR YOU'RE HAVING TROUBLE SLEEPING AND HAVING TROUBLE BREATHING AND YOU HAVE A HISTORY OF LUNG DISEASE OR A HISTORY OF SMOKING YOU MAY BE SOMEONE WHO HAS THE EARLY STAGE OF COP DMENT AND YOU NEED GET THIS DETECTED SO YOU CAN SLOW THE PROGRESSION OF THE DISEASE AND HAVE A HIGHER QUALITY OF LIFE. WITH THAT I WOULD LIKE TO INTRODUCE CARL FOR TWO SECONDS SO HE CAN TELL YOU SOMETHING LIVING WITH COPD.

GOOD EVENING. MY NAME IS CARL HAD DOCK. I HAVE COPD BROUGHT ON BY SMOKING FOR 40 YEARS OR MORE. I DIDN'T KNOW I HAD THIS UNTIL I WENT TO THE HOSPITAL WITH PNEUMONIA. AND SINCE THEN I HAVE QUIT SMOKING. I HAVE

BEEN FORTUNATE TO BE REFERRED TO THE SOUTHWEST SETON MEDICAL CENTER REHAB PROGRAM AND IT'S WORKED OUT BEAUTIFULLY. I'M NOW BACK WORKING AGAIN AND BREATHING PRETTY WELL. THANK YOU VERY MUCH. [APPLAUSE]

I'M A RESPIRATORY CARE PRACTITIONER. I WANT TO MENTION THAT COPD IS A SILENT DISEASE THAT CAN LAY DORMANT FOR 20 YEARS BEFORE SOMEONE REALIZES THEY HAVE IT. BY THEN THE DAMAGE MAY HAVE ALREADY BEEN SO SEVERE. I SUPPORT THE AMERICAN LUNG ASSOCIATION IN ITS EFFORTS TO EDUCATE THE COMMUNITY ABOUT COPD. THANK YOU FOR YOUR TIME AND CONTINUED SUPPORT ON THIS EFFORT. [APPLAUSE]

Dunkerley: OUR NEXT PROCLAMATION IS THE AUSTIN SOCIETY FOR TRAINING AND DEVELOPMENT EMPLOYEE LEARNING WEEK. THE PROCLAMATION READS THAT BE IT KNOWN THAT WHEREAS THE AMERICAN SOCIETY OF TRAINING AND DEVELOPMENT, ASTD, IS COMMITTED TO CREATING A HIGHLY SKILLED WORKFORCE THAT IS CRITICAL FOR ORGANIZATION TZ TO GROW AND SUSTAIN A COMPETITIVE ADVANTAGE AND WHEREAS ASTD HAS DESIGNATED THIS WEEK WITH THE THEME WORKFORCE DEVELOPMENT IS EVERYONE'S BUSINESS, TO FOCUS ATTENTION ON THE STRATEGIC VALUE OF EMPLOYEE LEARNING. AND WHEREAS THE AUSTIN CHAPTER WHOSE MEMBERS ARE WORKPLACE TRAINING LEARNING AND PERFORMANCE PROFESSIONALS IS DEDICATED TO HELPING DEVELOP INDIVIDUAL AND ORGANIZATIONAL KNOWLEDGE AND EXPERTISE. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM DECEMBER 4TH THROUGH THE 8TH AS EMPLOYEE LEARNING WEEK AND IT'S SIGNED BY OUR MAYOR WILL WYNN. [APPLAUSE]

I'M JOYCE BATTY AND I'M PRESIDENT OF THE ASTD AUSTIN CHAPTER. IT IS SO IMPORTANT TO MAKE SURE THAT OUR EMPLOYEES HAVE EDUCATION AND DEVELOPMENT IN ORDER TO BE COMPETITIVE NOT ONLY WITHIN THE CITY, WITHIN OUR INDUSTRY, WITHIN THE STATE AND WITHIN THE COUNTRY, PARTICULARLY WHEN YOU LOOK AT WHAT'S HAPPENING TODAY WITH THE GLOBAL LEARNING FORCE.

THIS IS IMPORTANT FOR HELPING OUR EMPLOYEES IN THIS CITY BECOME BETTER WORKERS. HAVING RECEIVED THIS PROCLAMATION OPENED THE DOORS TODAY TO VISIT WITH THE CHAMBER BECAUSE THEY HAVE AN EFFORT THAT THEY'RE WORKING ON FOR WORKPLACE PERFORMANCE AND WE ARE NOW ABOUT TO BE IN CONVERSATIONS WITH THEM TO SEE HOW WE CAN WORK TOGETHER TO IMPROVE OUR WORKFORCE. WE WANT TO IMPROVE THE PROFESSIONAL DEVELOPMENT OF OUR MEMBERS. THROUGH THAT EFFORT WE SNOW A PROFESSIONAL VERSION CERTIFICATIONEST AND WE HELP OUR MEMBERS STUDY FOR THAT SO THEY CAN IN TURN TRAIN PEOPLE IN THE WORKFORCE AND THEY CAN IN FACT AFFECT THE BOTTOM LINE BECAUSE IT'S THE PRODUCTIVITY OF OUR WORKFORCE. OUR WORKFORCE TODAY THAT MAKES A DIFFERENCE TO OUR ECONOMY. THANK YOU. [APPLAUSE]

Dunkerley: THE COUNCIL WILL BE IN SESSION SHORTLY. WE HAVE A SHORT BREAK. IF YOU REMEMBER, COUNCIL, WE WERE TAKING TESTIMONY ON THE CONTINUATION OF OUR PUBLIC HEARING REGARDING THE REDEEMER CHURCH ZONING CASE. WE JUST HEARD FROM SCOTT WAY, AND GIVE FOLKS TIME TO GET BACK IN THE ROOM BUT OUR NEXT FEW SPEAKERS WILL BE JANE RIVERA, IS OUR NEXT SPEAKER, WHO WILL BE FOLLOWED BY ISWAR HOUSTON IS GILBERT RIVERA HERE? JANE, YOU'LL HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

THANK YOU SO MUCH, MAYOR MAYOR WYNN, MAYOR PRO TEM DUNCAN MEMBERS OF THE COUNCIL. AS YOU KNOW FOR THE RECORD, ROSEWOOD NEIGHBORHOOD CONTACT TEAM, I JUST WANTED TO SAY THAT WE ASK YOU TO NOT SUPPORT THE HEIGHT AMENDMENT REQUEST THAT REDEEMER IS MAKING UNLESS WE CAN COME UP WITH..... WITH A SOLUTION THAT PROVIDES FOR SOME MIXED USE ALONG MANOR ROAD AS WELL AS ALONG EAST MARTIN LUTHER KING AND I'M NOT SPECIFYING AN AMOUNT, JUST SOME, SORT OF LIKE JURY REGARDED KIN I'S DRAWING SHOWED AT THE LAST COUNCIL MEETING THAT YOU-ALL SAW, IN ORDER TO ACCOMMODATE NOT ONLY WHAT WAS IN THE ROSEWOOD NEIGHBORHOOD PLAN AND ENVISION CENTRAL..... CENTRAL TEXAS BUT ALSO THE NEW PLANS THAT CAPITAL METRO SHARED WITH US THIS EVENING. AS

YOU'RE AWARE, WE HAVE MET A NUMBER OF TIMES WITH REDEEMER, AND I WANTED TO STATE PUBLICLY A THANK YOU TO MR. BARRY MCVEE FOR CLARIFYING THE NEIGHBORHOOD'S CONCERNS AND SAYING THAT WE'RE NOT OPPOSED TO THE CHURCH. THAT WASN'T THE NATURE OF OUR CONCERN AT ALL AND I REALLY WANTED TO SAY MY THANKS FOR HIM FOR CLARIFYING THAT POSITION. WE, AS I SAID, WOULD LIKE TO LIKE TO SEE SOME MIXED USE DEVELOPMENT ON BOTH THE IMPORTANT AND... POOR AND THE FUTURE TRANSIT CORRIDORS THAT RING THIS FUTURE PROPERTY, AND WE WOULD LIKE TO ASK YOU THAT IF THIS IS GOING INTO A THIRD READING, THAT YOU PLEASE HOLD THE PUBLIC HEARING OPEN THROUGH THE THIRD READING AND WE HOPE THAT YOU DON'T HOLD THE THIRD READING YET TONIGHT BUT THAT YOU DO, IN FACT, HOLD THAT AT A LATER TIME. AND I WANTED TO CLARIFY ALSO THAT NOBODY IN ANY OF THE AFFECTED NEIGHBORHOODS OR THE PLANNING TEAMS INVOLVED HAD, IN FACT, SEEN THE CONCEPTUAL SITE PLAN UNTIL IT WAS SHOWN TO YOU-ALL THIS EVENING, AND THAT IS ONE OF THE THINGS WE'VE BEEN ASKING FOR, BUT AT THE TIME REDEEMER DID NOT HAVE AN ARCHITECT AND SO THEY DID NOT HAVE A CONCEPTUAL SITE PLAN TO SHOW US. SO IT REALLY DOES HELP TO HAVE SEEN THAT, AND WE DO APPRECIATE IT. MR. PEFFERT, WHO I BELIEVE IS HERE, WHO IS THE CHAIR OF THEIR BUILDING COMMITTEE, WAS KIND ENOUGH TO SHOW US SOMETHING THAT WAS A LITTLE BIT CLOSE TO THAT A COUPLE WEEKS AGO WHEN WE MET WITH THEM ON-SITE, AND HE HAS STATED THAT IT'S THEIR INTENTION FOR THIS CHURCH TO HAVE A LIFE OF A COUPLE OF HUNDRED YARDS, SO THEY PLAN TO BE A PERMANENT RESIDENT OF OUR COMMUNITY AND WE WELCOME THEM. WE JUST HOPE THAT YOU-ALL CAN FIND A SOLUTION THAT MEETS EVERYONE'S NEEDS, INCLUDING THE TRANSIT AND THE NEIGHBORHOOD AND THE CHURCH AND THE CITY OF AUSTIN, BECAUSE, AS MS. HARDY STATED EARLIER, WHATEVER YOU DECIDE FOR THIS AREA, WHICH IS ONE OF THE FIRST TRANSIT-ORIENTED DEVELOPMENT AREAS TO BE CONSIDERED FOR THE CITY OF AUSTIN, SO GOES THE CITY OF AUSTIN. SO I ALSO URGE YOU TO PLEASE BE VERY CAREFUL ABOUT WHAT YOU APPROVE THIS EVENING, AND I THANK YOU IN ADVANCE FOR YOUR

ARE CAREFUL DELIBERATIONS.

MAYOR WYNN: THANK YOU, JANE. OUR NEXT SPEAKER IS ORE HOUSTON. WELCOME MS. HOUSTON. APPRECIATE YOUR PATIENCE. YOU'LL BE FOLLOWED BY BO MCCARVER.

GOOD EVENING, MY NAME IS ORA HOUSTON, AND I AM VICE CHURCH OF THE BOGGY CREEK PLANNING TEAM AND I'M HERE TO SAY DITTO, DITTO, DITTO. WE'VE PRESENTED THE CASE. WE'VE COME SEVERAL TIMES, AND IT'S UNFORTUNATE THAT THE COMMUNITY AND THE CHURCH CAN'T COME TO SOME COMPROMISE. IT WOULD BE NICE IF THE CITY OR CAPITAL METRO COULD PURCHASE OR LEASE SOME OF THE LAND ON THE SOUTH -- ON THE NORTH END BY MANOR ROAD SO THAT YOU COULD ENTER INTO SOME KIND OF PARTNERSHIP WITH STRUCTURED PARKING, CAPITAL METRO COULD PUT IN A LITTLE, THE CHURCH COULD DO IT, BUT WE'VE NEVER GOTTEN TO THOSE KIND OF CONVERSATIONS WITH THE CONGREGATION TO TALK ABOUT DIFFERENT KIND OF WAYS THAT WE COULD ACHIEVE, MY FAVORITE TERM, A WIN-WIN SITUATION FOR THIS PARTICULAR PARCEL. AND SO I'M VERY SORRY THAT WE'RE HERE BEGIN,..... AGAIN, SO I HOPE THAT SOMETHING CAN BE WORKED OUT. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MS. HOUSTON, FOR ALL YOUR WORK. BO MCCARVER. I THINK SOMEONE IS TRYING TO DONATE TIME TO YOU. IS MARY ANN MARSHAL HERE? MS. MARSHAL? SO BO, YOU'LL HAVE UP TO SIX MINUTES IF YOU NEED IT.

MAYOR WYNN AND COUNCIL MEMBERS, I'M BO MCCARVER WITH BLACK LAND NEIGHBORHOOD. ABOUT A YEAR AGO OUR NEIGHBORHOOD VOTED UNANIMOUSLY AGAINST THIS NEIGHBORHOOD, THE HEIGHT OF THE BELL TOWER THAT WAS PROCLAIMED THEN AND ALSO THE SANCTUARY. WE'RE VERY CONCERNED ABOUT PUBLIC USES OF THE PROPERTY ON THE NORTH AND SOUTH PART OF THIS TRACT. AS WE ALL KNOW AND NOW APPRECIATE THE TESTIMONY TONIGHT BY CAPITAL MET..... CAPITAL METRO, THAT THERE IS NO NEED FOR THOSE PROPERTIES ON THE NORTH AND SOUTH END TO BE USED FOR THE TRANSIT LINES AND THE CORRIDORS THAT ARE PART OF THE FUTURE OF THE CITY.

THE NEIGHBORHOOD PLANS THAT ARE INVOLVED IN THIS HAVE ALL ACKNOWLEDGED THAT, AND WHAT IS AT STAKE HERE, IN ESSENCE, IS DOES THE CITY REALLY BELIEVE IN THE PLANNING THAT WE HAVE. WE HAVE VERY EARNESTLY WORKED ON THESE PROJECTS AND WE WOULD LOVE TO SEE THIS AREA WORK OUT BOTH FOR THE CHURCH AND ALSO FOR OTHER PURPOSES. HOWEVER WE'RE HERE TONIGHT FOR MR. SUTTLE, THAT THE CHURCH MAY OR MAY NOT [INDISCERNIBLE] LAND THREE ACRES TO THE SOUTH. THAT'S KIND OF FLIPPANT AND I DON'T BELIEVE THAT THE CITY CAN, IN FACT, LEAVE THE USE OF THAT LAND TO THE WHIMS OF THE DEVELOPERS. EITHER THE PRIVATE DEVELOPERS IT MIGHT BE SOLD TO OR BY REDEEMER. IN APPROACHING THIS, AND SOMETIMES THE WAY WE DO PROJECTS ISN'T WHAT WE SAY WE'RE GOING TO DO. REDEEMER CHURCH IS OPERATED MUCH LIKE A CORPORATE ENTITY. THEY HAVE MORE THAN 300 CHURCHES NATIONWIDE. THIS WILL BE ONE MORE LINK IN A CHAIN. IT WILL BE A REGIONAL CHURCH THAT WILL SERVE ALSO AS A HEADQUARTERS FOR CHURCHES IN THIS AREA TO EXPAND. THEY HAVE LAND ON ANDERSON LANE. THEY OPERATE AND COULD OPERATE VERY MUCH LIKE HYDE PARK BAPTIST CHURCH AS HYDE PARK. WE WORRY ABOUT THAT. THE AUSTIN NEIGHBORHOOD COUNCIL HAS ALSO PASSED A RESOLUTION AGAINST THIS, FOR THOSE WORRIES AND THOSE CONCERNS. NOW, THIS CITY DOES HAVE THE POWER OF EMINENT DOMAIN, AND YOU CAN CONDEMN PROPERTY FOR PUBLIC PURPOSES. WE ALL KNOW ABOUT THE FIRST AMENDMENT RIGHTS AND IT'S SEPARATION OF CHURCH AND STATE. HOWEVER, I DON'T THINK THE FOUNDERS HAD AN IDEA THAT WE WERE GOING TO HAVE A CHURCH THAT WOULD OVERRULE AN ENTITY LIKE A CITY OR A STATE. YOU CAN BRING THAT TO CONDITION TEST. IT WOULD TAKE A.....CONTEST, IT WOULD TAKE A LOT OF CURJ ON... COURAGE ON YOUR PART. BUT THAT USES THE ISSUE. CAN THE CHURCH COMMAND AND RULE. THE PLANS WERE IN PLACE. BEFORE THEY PURCHASED THE PROPERTY THEY KNEW FULL WELL THOSE PLANS WERE IN PLACE. FULL WELL. I'M HERE TO ASK YOU TO CONDEMN THREE ACRES ON THE SOUTH AND A HALF ACRE ON THE NORTH FOR USE OF THE CITY OF AUSTIN AND CITIZENS OF AUSTIN. THANK YOU.

[APPLAUSE]

THANK YOU, MR. MCCARVER. SHE WILL BY O'BRIEN.
WELCOME, MS. O'BRIEN, YOU HAVE THREE MINUTES AND
YOU'LL BE FOLLOWED BY RICHARD VOIT.

HI, I'M SHE WILL BY O'BRIEN. I SERVE ON THE STEERING
COMMITTEE FOR THE AUSTIN HEIGHTS NEIGHBORHOOD
ASSOCIATION AND I WAS CHAIR OF THE STEERING
COMMITTEE UNTIL ABOUT A WEEK AGO. I STEPPED DOWN IN
THE SPIRIT OF ROTATION.

MAYOR WYNN: CONGRATULATIONS FOR STEPPING DOWN.

THE CHURCH SITE IS ACTUALLY WITHIN THE BOUNDARIES OF
OUR NEIGHBORHOOD AND, IN FACT, IS BEHIND MY HOUSE.
OUR NEIGHBORHOOD ASSOCIATION VOTED ABOUT A
YEAR..... A YEAR AGO AS WELL IN OPPOSITION OF THIS
VARIANCE, AND I DON'T KNOW IF I HAVE A LOT TO ADD
BEYOND WHAT'S ALREADY BEEN SAID EXCEPT THAT MY
NEIGHBORHOOD, WHICH WILL BE THE MOST DIRECTLY
AFFECTED BY THIS, WOULD BE WILLING TO WORK WITH THE
CHURCH IF WE COULD COME UP WITH SOME SORT OF
COMPROMISE AS HAS BEEN DISCUSSED THIS EVENING,
WHERE THE NORTHERN PART OF THE TRACT IS SET ASIDE
FOR SOME SORT OF MIXED USE, AND -- BUT WE HAVEN'T
REACHED A COMPROMISE AT THIS POINT SO I.. I HOPE YOU-
ALL WILL NOT GRANT THE VARIANCE TONIGHT. THANK YOU.

MAYOR WYNN: THANK YOU, MS. O'BRIEN. RICHARD VOIT?
HELLO, RICHARD. YOU'LL HAVE THREE MINUTES. WHILE
YOU'RE APPROACHING I'LL JUST READ INTO THE RECORD
THAT BRIAN WELLS SIGNED UP NOT WISHING TO SPEAK IN
FAVOR. BILLIE THORG EVEN SON, DEREK EVANS SIGNED UP
NOT WISHING TO SPEAK IN OPPOSITION. WELCOME,
RICHARD.

MAYOR, COUNCIL MEMBERS. HERE WE ARE AGAIN, AND IT
SEEMS AS THOUGH WE JUST CAN'T MAKE ANY PROGRESS
ON THIS. THE LAST TIME WE WERE HERE ALL OF OUR PLEAS
SEEMED TO FALL ON DEAF EARS. EVERYTHING WENT IN
FAVOR OF REDEEMER. NOW THERE SEEMS TO BE SOME
SHUFFLING AROUND, SOME INTEREST IN PERHAPS THEY

SHOULDN'T GET THEIR WAY COMPLETELY. I HAVE TO THINK ABOUT RICHARD SUTTLE, WHO IS THE AUSTIN CHRONICLE K. AS THE CADILLAC OR ZONING LAWYERS. I'VE NEVER SEEN ANYBODY LIKE HIM WHO CAN ALWAYS GET HIS WAY. I DON'T KNOW PEOPLE LIKE THAT IN LIFE. BUT HE COMES HERE AND HE GETS HIS WAY. I JUST -- I ADMIRE YOUR BRIL BRILLIANCE, RICHARD. THAT'S GOT TO BE IT. BUT ANYWAY, I WOULD HAVE TO SAY, IN HIS DEFENSE, HE PROBABLY HAS WE PROBABLY HAD THE MOST PRODUCTIVE CONVERSATION WE EVER HAD WITH HIM THIS EVENING DURING THE BREAK, AND IT SEEMS TO ME THERE'S SOME ERRING..... AIRING OUT TAKING PLACE THAT MAYBE WE CAN FIGURE OUT SOMETHING THAT'S GOING TO BE A.

MAYOR..... AWIN-WIN FOR EVERYBODY. WE KNOW WE'RE NOT GOING TO GET EVERYTHING AND THEY KNOW THEY'RE GOING TO GET EVERYTHING, AND THEY CAN HAVE EVERYTHING IF THEY JUST BUILD IT 40 FEET. THEY CAN HAVE IT ALL. THE GAME -- THE HUNT IS OVER. JUST REDUCE IT TO 40 FEET AND THEY CAN HAVE THE WHOLE 11 ACRES, DONE DEAL. THE STICKING POINT IS THE 60 FEET, AND WE'RE NOT OPPOSED TO SUPPORTING -- GRANTING A VARIANCE IF THEY'LL JUST WORK WITH US A BIT IN SUPPORTING THE TOD AND THE NEIGHBORHOOD DEVELOPMENT PLANS, WITH THE COUNCIL'S..S ENCOURAGEMENT, WITH THE CITY ENCOURAGEMENT WE LABOR OVER FOR YEARS AND SOMEBODY BUYS A PIECE OF PROPERTY AND WE COME TO THE COUNCIL WITH OUR PLANS AND TELL YOU THIS IS WHAT WE'VE ALL GREED ON AND YOU PEE ON OUR FEET. SO MUCH FOR OUR PLANS. IT'S SO MUCH JUST FOR NAUGHT. SO I'LL JUST ASK YOU TO NOT MAKE A DECISION NOT, NOT TO THIRD READING AND KEEP YOUR MINDS OPEN AND DON'T GROW WEAR OF THIS BUT JUST BEWARE I THAT SOMETHING ISN'T WORKING RIGHT HERE AND SOMETHING -- IT'S JUST GOING TO TAKE A LITTLE BIT OF IMAGINATION AND WE CAN WORK IT OUT SO THAT IT WILL BE A WIN-WIN FOR THE COMMUNITY, FOR THE NEIGHBORHOOD, FOR THE FOLKS AT REDEEMER, FOR EVERYBODY. THAT'S ALL I HAVE.

MAYOR WYNN: THANK YOU, RICHARD. SO COUNCIL, THAT'S ALL THE CITIZENS WHO SIGNED UP WISHING TO ADDRESS THIS, ON THIS CONTINUED PUBLIC HEARING. QUESTIONS?

COMMENTS? COUNCIL MEMBER KIM.

KIM: I HAVE A QUESTION FOR OUR ATTORNEY ON THIS CASE. THERE SEEMS TO BE A LOT OF MOVING PARTS HERE THAT WE'VE HEARD SOME NEW INFORMATION THAT THE CHURCH IS WILLING TO LOOK AT MORE COMPATIBILITY IN TERMS OF THE NEIGHBORHOOD PLAN, MIXED USE, THE PARCEL OF LAND TO THE EAST, BUT THERE'S ALSO DISCUSSION ABOUT WHAT WOULD HAPPEN WITH THE PARCEL ON THE WEST. AND GIVEN THAT THIS IS FOR SECOND READING AND THERE'S DISCUSSION OF RESTRICTED COVENANT, THERE'S STILL A LOT OF CONFUSION AS TO THE CLASSIFICATIONS FOR THE CHURCH, I JUST WANT TO ASK OUR ATTORNEY, WHAT COULD WE DO, SHOULD WE POSTPONE THIS IF THERE ARE GOING TO BE SOME FINAL CHANGES FOR OUR CONSIDERATION OR DO -- IF WE PASS THIS ON SECOND READING, WHAT IS THE LIKELIHOOD OF INCORPORATING THOSE CHANGES BETWEEN SECOND AND THIRD?

IF I HAVE SUFFICIENT INSTRUCTION AS TO WHAT COUNCIL DESIRES TO DO, WE CAN GET AN ORDINANCE PREPARED ON THIRD READING. THIS IS A TWO-PIECE KIND OF CASE BECAUSE IT'S NOT -- THE ORDINANCE IN AND OF ITSELF IS FAIRLY SIMPLE. IT'S THE 60 FEET OR NOT THE 60 FEET. WHAT THEY'RE REQUESTING IS A ZONING CHANGE WHICH ALLOWS THEM TO DO 60 FEET. WHAT IS BEING CONSIDERED AND WHAT THE CHURCH HAS OFFERED UP AND WHAT THE DISCUSSION IS ABOUT IS WHAT THEY'RE WILLING TO DO WITH THE REST OF THE TRACT. THAT WOULD HAVE TO BE ACCOMPLISHED THROUGH A RESTRICTIVE COVENANT BECAUSE THE REST OF THE TRACT IS NOT BEFORE YOU. IT IS ONLY THE FOOTPRINT OF THE CHURCH. SO WHAT THE CHURCH IS WILLING TO DO WITH REGARD TO THE REST OF THE TRACT WOULD NEED TO BE REDUCED TO A RESTRICTIVE COVENANT. SO A RESTRICTIVE COVENANT IN AND OF ITSELF REQUIRES THE OWNER TO AGREE TO THE IMP SITUATION OF.....IMP ON SITUATION OF THAT RESTRICTIVE COVENANT AND THEIR SIGNATURE ON THE DOTTED LINE SO WE... WHAT WE WOULD NEED IS WE WOULD NEED DIRECTION FROM COUNCIL AS TO WHAT YOU WOULD LIKE TO SEE IN THAT RESTRICTIVE COVENANT AND THEN WHAT WE HAVE TO DO IS WE HAVE TO GO TO THE APPLICANT AND WE HAVE TO SAY TO...TO THE APPLICABLE,

YOU HAVE HEARD THE WILL OF COUNCIL, ARE YOU AMENABLE, ARE YOU AGREEABLE TO EXECUTING THAT KIND OF RESTRICTIVE COUGH NANTD.

SO YOU WOULD NEED THAT CLEAR DIRECTION TONIGHT THEN FOR US TO NOT HAVE ISSUES ON THIRD READING?

THAT'S CORRECT, AND LET ME BACK UP BY SAYING, YOU-ALL HAVE SOME FLEXIBILITY ABOUT HOW TO APPROACH THIS. YOU HAVE IT BEFORE YOU ON SECOND AND THIRD READING. YOU CAN, FOR EXAMPLE, GIVE ME INSTRUCTION, OR GIVE US INSTRUCTION, LAY OUT WHAT IT IS YOU WOULD LIKE TO SEE AND NOT ADOPT IT ON SECOND READING, BUT JUST GO SECOND AND THIRD READING THE NEXT TIME IT COMES BACK, OR YOU CAN ADOPT IT ON SECOND READING, WE BRING IT BACK ON THIRD READING, YOU TAKE IT LOOK AT IT, MAKE SURE WE'VE DONE, ACCOMPLISHED OR THE AGREEMENTS REFLECT WHAT IT IS YOU WANT TO SEE, AND THEN AT THAT POINT, FOR EXAMPLE, IF IT DID NOT REFLECT WHAT IT IS YOU REALLY WANTED US TO DO, YOU CAN AT THAT POINT POSTPONE THIRD READING SO THAT WE CAN CONTINUE TO WORK WITH THE CHURCH AND TINKER. SO THERE ARE ANY NUMBER OF FLEXIBLE OPTIONS YOU HAVE IN TERMS OF HOW YOU WANT TO PROCEED. THE CRITICAL THING IS THAT BEFORE THIRD READING EVERYTHING HAS TO BE DONE, AND SO YOU HAVE, IN YOUR -- YOU HAVE IN YOUR BOX TOOLS THAT YOU CAN USE PROCEDURALLY, AND SO I WANTED YOU TO BE AWARE OF THAT SO THAT YOU DID NOT THINK THAT YOU WERE COMPELLED TO ADOPT SOMETHING ON SECOND READING OR THAT YOU'RE NECESSARILY COMPELLED TO ADOPT SOMETHING ON THIRD READING IF WE BRING SOMETHING BACK THAT DOES NOT MEET YOUR SATISFACTION.

KIM: THANKS.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? COUNCIL MEMBER COLE.

COLE: I'M NOT SURE IF SOMEONE FROM THE CHURCH IS STILL HERE BUT I KNOW THAT WE ARE PERHAPS -- RICHARD IS GOING TO HAVE TO ANSWER THIS. I HAVE A QUESTION ABOUT THE PROCEDURES OF THE CHURCH FOR MAKING A

COMMITMENT, LIKE IT WAS REPRESENTED TO US HERE TONIGHT THAT THE CHURCH WAS AMENABLE TO CONSIDERING THE OTHER PARCEL FOR PERHAPS DEVELOPMENT, BUT I DON'T KNOW HOW YOU TAKE THAT TO YOUR CONGREGATION AND ULTIMATELY TO A VOTE SO THAT THE NEIGHBORHOODS COULD BE SATISFIED THAT THAT REPRESENTATION IS SOLID.

MAYOR.....SOLID.

COUNCIL MEMBER, I DON'T KNOW THE EXACT PROCEDURE OF THE CHURCH, BUT YOU'VE GOT TIMING ON BEING ABLE TO PRESENT THE CONCEPT AND THE CAPITAL CAMPAIGN AND THE FINANCIAL NEEDS AND THEN THE CONGREGATIONAL VOTE AND THE SESSION VOTE AND ALL THAT. SO THAT IS ONE THING THAT WE NEED TO GO BACK AND FIGURE OUT HOW AND IF WE COULD COME UP WITH A SNARE I..... SCENARIO HOW THAT HAPPENS. THE CRITICAL POINT FOR THE CHURCH IS IN ORDER FOR THEM TO HAVE A PLACE TO WORSHIP BY THE TIME THEY LOSE THEIR LEASE ON THEIR OTHER PLACE, THEY NEED TO REALLY HAVE A SHOVEL IN THE GROUND BY NEXT MAY OR JUNE. THAT MEANS THEY'VE GOT TO HAVE AN IDEA OF WHAT THE COUNCIL WANTS TO DO ON THE HEIGHT NOW SO THAT -- OR WITHIN THE NEXT WEEK OR SO SO THAT THEY KNOW ARE THEY DESIGNING A 40-FOOT SANCTUARY OR A 650-FOOT SANCTUARY. AND THEN IN THE -- WHILE WE'RE DOING THAT..... THAT, IN THE MEANTIME IF IT'S 60 FEET, THEN WE CAN ALSO BE TALKING ABOUT THE PROCEDURE FOR HOW DO WE GUARANTEE THE 3 ACRES. BECAUSE WHAT I'M HEARING IS NOBODY IS COMFORTABLE WITH A VERBAL COMMITMENT BY THE CHURCH.

AND I WAS TRYING TO EXPLORE WHAT OTHER OPTIONS IN THE MIDDLE OF THAT WITH ALL -- COULD WE POSSIBLY COME UP WITH, WHICH WOULD BE THE CHURCH ACTUALLY TAKING SOME KIND OF SPECIFIC VOTE, ACTION THAT THE NEIGHBORS WOULD BE MADE AWARE OF AND WE WOULD BE MADE AWARE OF, OR ALSO THERE'S BEEN CONSIDERABLE TALK ABOUT THE LEGALITIES OF YOUR TAX EXEMPT STATUS WITH THE RESTRICTIVE COVENANT AND PERHAPS MAYBE WE NEED TO SEE IF YOU WOULD BE AMENABLE TO PROVIDING A LEGAL OPINION THAT WOULD BE A PUBLIC

RECORD TO US AND THE CHURCH ABOUT HOW THAT COULD POSSIBLY WORK OUT IN..... OUT AND THE TIMING OF THAT. I THINK THAT WOULD BE REAL HELPFUL.

I'M NOT A TAX LAWYER. I UNDERSTAND THE TAX EXEMPTION LAW, BUT WE COULD FIND -- MAYBE FIND SOMEBODY THAT COULD OR WE COULD DO THE RESEARCH. I'D NEED TO TALK TO MY CLIENT ABOUT WHAT THE NEXT STEP BETWEEN A VERBAL COMMITMENT THAT BARRY MADE ESSENTIALLY TONIGHT FROM THE DAIZ AND A WRITTEN DOCUMENT THAT PRECLUDES CHURCH USE ON THAT BOTTOM THREE ACRES.

THAT DOESN'T TRIGGER PROBLEMS BUT EXPLAINS WHAT THAT PROBLEM IS AND WHAT YOU WOULD HAVE TO DO ON... TO AVOID IT AND WHEN IT WOULD HAVE TO... TO GO INTO EFFECT. I THINK IT WOULD BE CLEAR FOR EVERYBODY CESHD EARNED CONCERNED.

WELL, IF WE COULD GET A FEEL FOR SECOND READING TONIGHT ON WHERE THE COUNCIL IS HEADED AND BRING THIRD READING BACK NEXT WEEK, WE CAN EXPLORE THAT ISSUE ALONG WITH THERE'S BEEN SOME OTHER IDEAS WHICH AT FIRST BLUSH DON'T WORK BUT WE CAN LOOK AT BETWEEN NOW AND NEXT WEEK. THE ISSUE, I CAN'T EMPHASIZE IT ENOUGH, IS THAT WE'RE GETTING READY TO BE OUT OF COUNCIL MEETINGS AND OUT OF DESIGN TIME FOR A SITE PLAN AND OUT OF OPTIONS. SO I HOPE YOU-ALL WILL KEEP US MOVING.

THANK YOU FOR YOUR HELP.

THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? COUNCIL MEMBER MARTINEZ.

MARTINEZ: YEAH. I'M OF THE SAME MIND-SET THAT WE'VE GOT SO MANY DIFFERENT SUGGESTIONS AND IDEAS GOING ON. I REALLY APPRECIATE THE ACKNOWLEDGEMENTS AND COMMIT LTS FROM THE.....COMMITMENTS FROM THE CHURCH, BUT, YOU KNOW, THE BUSINESS THAT WE'RE IN ISN'T NECESSARILY BASED ON VERBAL AGREEMENTS DOWN HERE. IT'S BASED ON ORDINANCES AND LAWS, AND THIS

NEIGHBORHOOD DESERVES THOSE ASSURANCES, AND I THINK -- I THINK WE'RE CLOSE. I THINK WE'RE THERE. WE JUST NEED TO FIGURE OUT HOW TO PUT IT IN AGREEMENT IN A DOCUMENT FORM THAT WE CAN ALL LOOK AT, DIGEST, DISCUSS AND THEN ULTIMATELY AGREE UPON AND MOVE FORWARD WITH THIS ZONING CASE. SO I'M HOPING THAT WE CAN GET THAT DONE WITHIN THE NEXT WEEK.

MAYOR, I HAVE A QUESTION FOR THE ATTORNEY.

YES, COUNCIL MEMBER KIM?

KIM: SO MARTY, I WAS WONDERING, CAN WE POSTPONE ACTION ON THIS ON SECOND READING, TO GIVE THE NEIGHBORS AND REDEEMER SOME TIME TO WORK THINGS OUT IN TERMS OF A WRITTEN AGREEMENT SO THAT IT'S VERY CLEAR WHAT WE'RE DISCUSSING, WHAT WE'RE INCLUDING IN TERMS OF MIXED USE, THE TODD, GETTING INFORMATION FROM CAP METRO. SOME OF THE RESIDENTS, THE FIRST TIME FOR THEM TO SEE THIS, FIRST TIME FOR ME TO SEE THIS MYSELF, AND THEN POSTPONE THAT UNTIL DECEMBER 14 AND WE CAN POST-IT FOR SECOND AND THIRD READING SO THAT IF EVERYTHING IS FINALIZED, EVERYTHING IS AGREED UPON, THEY CAN GO ON THIRD READING.

COUNCIL MEMBER, YOU CAN DO THAT. ONE OF -- AND IN DOING THAT THE STAFF AND THE LAW DEPARTMENT WILL MAKE A COMMITMENT TO YOU THAT WE WILL DO OUR BEST TO PAPER WHAT IT IS THAT WE NEED TO HAVE PAPERED FOR THAT DECISION, THAT FINAL DECISION TIME. THE ORDINANCE IS EASY. IT'S THE OTHER STUFF THAT'S -- THAT IS -- THE DEVIL IS IN THE DETAILS. AND SO THAT -- YOU KNOW, WE'LL DO OUR BEST TO GET IT PAPERED BUT WE WILL NEED TO HAVE AN UNDERSTANDING OF WHAT IT IS WE NEED TO BE PAPERING.

OKAY. WELL, WE'LL WORK WITH THE STAFF AND IF BOTH SIDES CAN WORK ON THE DETAILS, I THINK IT'S ALWAYS HELPFUL TO HAVE EVERYTHING WRITTEN AND AS I SAY, I'M NOT AN ATTORNEY, BUT ONE THING I'VE LEARNED IS WHEN YOU HAVE A TERM SHEET THINGS BECOME VERY CRYSTAL FOR PEOPLE. SO I THINK SOME OF THE IDEAS PRESENTED

TONIGHT HAVE SOME MERIT AND I REALLY WOULD LIKE TO EXPLORE THOSE MORE. I WOULD LIKE FOR THE RESIDENTS TO HAVE AN OPPORTUNITY TO GET MORE INFORMATION ON THAT, AND SO I'M GOING TO MOVE THAT WE POSTPONE THIS ACTION TONIGHT AND TAKE IT UP AGAIN ON DECEMBER 14 FOR SECOND AND THIRD READING, POSSIBLY.

MAYOR WYNN: MOTION BY COUNCIL MEMBER KIM, SECONDED BY COUNCIL MEMBER MARTINEZ TO NOT TAKE ACTION TAKEN AND DIRECT STAFF TO BRING BACK THE CASE POTENTIALLY A SECOND AND THIRD READING ON SAYS 14, 2006.

MR. GUERNSEY IS TRYING TO COMMUNICATE WITH ME, AND I CAN'T UNDERSTAND WHAT IT IS HE'S TRYING TO SAY.

A MOTION ALSO TO MAINTAINING THE PUBLIC HEARING AS AN OPEN HEARING OR IS THE PUBLIC HEARING CLOSED?

MAYOR WYNN: I WAS AVOIDING ASKING THAT.

WELL, WE'LL HOPE THAT THE RESIDENTS WILL OCCUR..... OCCUR FAVOR WITH US BY -- HOPEFULLY WE WON'T HAVE ANY TESTIMONY AND IT WILL GO ON CONSENT BUT I THINK AT THE..... AT THIS TIME WE NEED TO KEEP THE PUBLIC HEARING OPEN.

MAYOR WYNN: CORRECT. I AGREE THAT WE NEED TO KEEP IT OPEN AND WHEN IT COMES BACK ESSENTIALLY THE CHURCH AND THEN SOME NEIGHBORHOOD LEADERS, THE ARCHITECT, AGENT CAN IN A CONCISE WAY TELLING TELL US WHAT PROGRESS, IF ANY, HAS BEEN MADE.

MR. MAYOR, COUNCIL MEMBERS, WITH ALL DUE RESPECT LET ME EMPHASIZE WHAT RICHARD HAS EMPHASIZED TO YOU ON SEVERAL OCCASIONS. WE ARE ALREADY POTENTIALLY BEING HOMELESS IN TERMS OF A PLACE TO WORSHIP. IF ONE LOOKS AT A SITE PLAN FOR APPROVAL AND SITE PLAN FOR APPROVAL AND CONSTRUCTION, THAT IS PROBABLY 16 TO 18 MONTHS. WE EXPECT TO HAVE TO BE OUT OF CONCORDIA IN AUGUST OF 2008. SO -- AND GIVEN CONSTRUCTION PROCESSES BEING WHAT THEY ARE, I THINK WE PROBABLY ANTICIPATE A LITTLE SLIPPAGE IN

THAT 18 MONTHS. SO A DELAY OF ANY OCCASION -- AND I UNDERSTAND IN RESPECT TO THE COMPLEXITY OF THIS MATTER PARTICULARLY LOTS OF NEW IDEAS SWIRLING AROUND TONIGHT, BUT WE ARE VERY MUCH APPROACHING THE END OF, I THINK, NOT OUR PATIENCE, BUT WHAT WE CAN ACCEPT, AND I WILL REPEAT A STATEMENT BY ONE OF THE SPEAKERS. WE CAN WITHDRAW A REQUEST FOR THE ZONING CHANGE AND BUILD IT 40 FEET AND HAVE NO COMMITMENTS ANYWHERE, FORMAL OR OTHERWISE, ON ANY OF THE PROPERTY. WE BELIEVE WE HAVE THE RIGHTS TO DO THAT, BARRING PERHAPS THE CONDEMNATION THAT WAS INTRODUCED THIS EVENING, AND WOULD REGRET THAT ALTERNATIVE, BUT MIGHT SEE THAT AS REALLY OUR ONLY VIABLE OPTION TO BE ABLE TO MOVE WITH THE SPEED THAT WE BELIEVE WE MUST MOVE.

MAYOR WYNN: SMEB MARTINEZ.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ AND THEN COUNCIL MEMBER PRO TEM.

TEM.

MARTINEZ: I COMPLETELY RESPECT THE FACT THAT YOU'RE UNDER A TIME CRUNCH. I DON'T SEE THE DIFFERENCE IN IF WE WERE TO APPROVE SECOND READING TONIGHT, GIVE CLEAR DIRECTION TO STAFF AND COME BACK ON THE 14TH FOR THIRD READING AS OPPOSED TO POSTPONING SECOND AND POSTING IT FOR SECOND AND THIRD IN TWO WEEKS.

MAYOR.....WEEKS.

AND RICHARD WAS COUNSELING ME IN TERMS OF THE DIFFERENCE BETWEEN SECOND AND THIRD READING TONIGHT, SECOND READING, THIRD REEGHTD. THE OTHER IDEA THAT WAS INTRODUCED BY COUNCIL MEMBER COLE, WAS THE TAX. WE ARE A CHURCH. WE LIVE SORT OF WEEK TO WEEK AS IT IS AND WHETHER IT IS WE HAVE TO PAY THE FEES OF MR. SUBTLE OR THE FEES OF NOW A TAX LAWYER TO PRODUCE SOMETHING, AGAIN, IT'S A BURDEN UPON A BURDEN FOR US AS A CONGREGATION THAT WE ARE JUST ARE NOT SURE THAT WE FEEL LIKE WE MAY BE ABLE TO MEET ON A ONGOING BASIS. IF I MIGHT ALSO JUST ONE

COMMENT, BECAUSE WE HAVE DISCUSSED THIS AMONG OURSELVES MANY TIMES AND I DON'T WANT TO TAKE US OFF TRACK AND I DON'T WANT TO BELABOR THE DISCUSSION TONIGHT, BUT THERE HAVE BEEN SOME CHARACTERIZATIONS OF THE INTRANS GENERALS OF REDEEMER IN TERMS OF THIS PROCESS. VERY QUICKLY WHERE WE BELIEVE WE STARTED WAS THE INTENT TO BUILD A CHURCH AT 60 FEET WITH AN 80-FOOT BELL TOWER MUCH HIGHER ON THE PROPERTY. ON MANOR ROAD. SO WE BELIEVE WE HAVE ABANDONED THE PLANS FOR A BELL TOWER. WE PERHAPS ARE WILLING TO LIVE WITH SOMETHING A LITTLE LESS THAN 60 FEET. WE HAVE MOVED THE SANCTUARY FURTHER TO THE SOUTH. WE BELIEVE IN OUR HEARTS, SINCERELY, THAT WE HAVE COMPROMISED, WHEREAS THE DEMANDS OF THE NEIGHBORHOOD GROUPS HAVE BEEN CONSISTENT AND UNCOMPROMISING THROUGHOUT. WE HAVE NOW COME FORWARD THIS EVENING AND SAID WE'RE WILLING, SUBJECT TO A COUPLE OF CONDITIONS AND A POTENTIAL TAX LIABILITY, TO COMMIT TO A SALE OF THREE ACRES. OUR INITIAL HOPES AND DREAMS WERE TO USE ALL 11 ACRES FOR THE CHURCH OR SOME CHURCH-RELATED USES. SO WE FEEL WE HAVE COMPROMISED ACTUALLY TIME AND TIME AGAIN. WE VERY MUCH WANT TO SEE THIS PROCESS WORK ITSELF OUT. WE WANT TO BE THERE. WE WANT TO GO GOOD NEIGHBORS AND MAKE A CONTRIBUTION TO EAST AUSTIN AND TO THE CITY BUT WE ARE FACING SOME INCREASE PRECIOUS FROM OUR PERSPECTIVE.

MAYOR WYNN: MAYOR PRO TEM? THANK YOU. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I THINK WHAT I GLEANED FROM THE TESTIMONY, THE PEOPLE WHO CAME UP AND SPOKE FROM THE NEIGHBORHOOD WAS THAT THEY HAVE A VERY STRONG INCLINATION NOT TO SUPPORT ANY COMPROMISE PLAN THAT DOESN'T INCLUDE SOME PROVISION FOR FUTURE COMMERCIAL OR MIXED USE ON MANOR ROAD AND ON MLK. SO IT SEEMS TO ME THAT -- AND I HAVE -- ON... ON THE OTHER HAND FROM THE APPLICABLE, I HAVE NOT HEARD ANY DISCUSSION OF THAT KIND OF PROVISION FOR THE MANOR ROAD SIDE. SO I GUESS I WOULD LIKE TO HEAR FROM THE APPLICANT, IS THAT A TOTALLY NONNEGOTIABLE

POINT FROM YOUR SIDE?

EXCUSE ME, COUNCIL MEMBER LEFFINGWELL, RICHARD AND I WERE IN CONVERSATION. THE DISCUSSION IS -- THE QUESTION IS, WILL THERE BE DISCUSSIONS ABOUT THE NORTHERN SIDE OF THE TRACT OF MANOR ROAD IN MAYBE THE TWO WEEKS WE'RE TALKING ABOUT UNTIL DECEMBER 14? I THINK WE ARE WILLING TO TALK ABOUT ANYTHING AND BELIEVE WE HAVE BEEN WILLING TO TALK THROUGHOUT. WE HAVE SAID, GIVEN OUR CURRENT PLANS, WE DO NOT BELIEVE DEVELOPMENT ALONG THE NORTHERN SIDE OF THE PROPERTY IS FEASIBLE, GIVEN WHAT WE DESIRE TO DO. I MADE A POINT THIS EVENING TO ONE OF THE REPRESENTATIVES IN THE NEIGHBORHOOD GROUPS, WE'VE ENTERTAINED A NUMBER OF OFFERS ON THE SOUTH SIDE. WE'VE HEARD NOTHING FROM ANYONE WISHING TO BUILD ANYTHING ON THE NORTHERN SIDE, WHICH TO US REFLECTS THAT THERE IS NOT THE COMMERCIAL DEVELOPMENT RECOGNITION THAT THAT IS, IN FACT, A VIABLE OPTION, BECAUSE THERE'S NO PATROL..... TROLLY. WE'VE ONLY TALKED ABOUT TROLLY LINE DETAILS THIS EVENING. IT'S VERY DIFFICULT FOR US TO ACCEPT THE IDEA OF MAKING COMMITMENTS ON THE NORTH SIDE THAT ARE BASED ON THERE BEING A TROLLY LINE AND THAT BEING A WONDERFUL SIGN..... SITE FOR MIXED USE RETAIL WHEN, IN FACT, THERE'S NO CERTAINTY OF ANY TROLLY LINE THERE. I MIGHT ALSO, RICHARD SORT OF COACHED ME IN TERMS OF WHAT WE'RE TALKING ABOUT AS A DIFFERENCE BETWEEN DECEMBER 7 AND DECEMBER 14, BUT THERE WOULD BE AN EXTRA OCCASION THAT WE WOULD REACH FINAL RESOLUTION ON THE 14TH. THAT WOULD BE ACCEPTABLE.

WELL, I THINK WHAT I HEARD FROM YOU AT THE VERY BEGINNING WAS THAT IT WAS NOT NONNEGOTIABLE, THAT YOU'RE STILL WILLING TO DISCUSS ANYTHING. SO I INTEND TO SUPPORT THE MOTION TO POSTPONE UNTIL DECEMBER 14.

MAYOR WYNN: WE HAVE A MOTION AND A SECOND ON THE TABLE FOR CONTINUATION OF A PUBLIC HEARING AND TO NOT TAKE ACTION BUT DIRECT STAFF TO BRING THE CASE BACK ON DECEMBER 14, 2006. COUNCIL MEMBER

MCCRACKEN?

MCCRACKEN: YEAH, AND I THINK THAT, YOU KNOW, WE'LL BE READY TO GO ON DECEMBER 14, I FULLY EXPECT. I DO WANT TO SAY THAT WE NEED TO HAVE A MUCH BETTER-DEFINED DESIGN STANDARDS COMPLIANCE SITE PLAN PRESENTED THAT IS IN KEEPING, IN MY OPINION, WITH THE VISION FOR TEXAS BY A CONCEPT OF -- ON THEIR WEB SITE FOR THIS TRACT. SO, YOU KNOW, I HOPE THAT THE APPLICANTS' ARCHITECT WILL WORK DILIGENTLY WITH MR. ADAMS SO WE CAN HAVE SOMETHING THAT IS DIFFERENT FROM WHAT WE SAW THIS EVENING AND COMPLIES WITH THE LAW. IF WE DO THAT I THINK WE'LL HAVE SOMETHING THAT GETS US VERY CLOSE TO WHERE ENVISION CENTRAL TEXAS AND THE NEIGHBORHOOD ALSO, THERE'S A LOT OF COMMON GROUND THERE. SO I HOPE THAT WE WILL SEE SOMETHING IN ADVANCE -- FAIRLY MUCH IN ADVANCE OF THE SECOND AND THIRD READING THAT WE ALL, THE NEIGHBORS, THE COUNCIL, THE APPLICANT HAS OPPORTUNITY TO MAKE SURE THAT WE'RE ON THE SAME PAGE AND THAT WE'RE NOT TRYING TO WORK THIS OUT ON THE DAIZ ON THE 14TH OR WE -- WE MAY LOSE THE OPPORTUNITY TO END WOWP A 40-FOOT AS OPPOSED TO THE ABILITY TO HAVE SOMETHING THAT IS 60 THAT COMPLIES WITH DESIGN STANDARDS TOO. AND I THINK ONE OF THE THINGS WE MAY WANT TO THINK ABOUT IS I'M TOLD THAT THE LOCATION OF THE SANG..... SANCTUARY, AS IT IS ORIENTED DIFFERENTLY ON THAT BLOCK MAY TRIGGER SOME COMPATIBILITY ISSUES. I THINK THAT WILL BE SOMETHING THAT MAY BE CONTRIBUTING TO THE UNUSUAL ANGLE OF THE SANCTUARY AND SO I WOULD URGE THE NEIGHBORS AND THE CHURCH TO EXPLORE WHETHER IT WOULD BE AN APPROPRIATE COMPROMISE TO LOOK AT -- IF EVERYBODY THINKS IT IS IN THE BEST INTO TO REORIENT THE CHURCH AND THEN MAYBE LOOK AT WHETHER THAT WOULD BE APPROPRIATE TO LOOK AT SOME WAY OF COMPATIBILITY FOR JUST THAT SANCTUARY. SO I URGE EVERYBODY TO BE FLEXIBLE. LET'S GET THAT NAILED DOWN WELL IN ADVANCE OF DECEMBER 14.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND SECOND ON THE TABLE. HEARING NO FURTHER COMMENTS, ALL IN FAVOR OF THE MOTION

PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7 7-0. THANK YOU ALL VERY MUCH. ITEM NO. 60, MR. GUERNSEY?

GUERNSEY: THANK YOU, MAYOR AND COUNCIL. ITEM NO. 60, C 14-06-0174 FOR PROPERTY ON CHANNEL ROAD AT 1719 CHANNEL ROAD UNIT B. THE PLANNING COMMISSION -- OR THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS ACTUALLY A RECOMMENDATION TO DENY THIS REQUEST. THE STAFF RECOMMENDATION WAS TO APPROVE THE SF TWO ZONES ON THIS PROPERTY. THE APPROXIMATE IS APPROXIMATELY 7.2 ACRES OF LAND THAT FRONTS ON CHANNEL ROAD AND CURRENTLY ZONING LA ZONING. THE ZONING WAS ESTABLISHED? THE EARLY 1980S, 1983, 1984 TIME PERIOD AND THERE WAS A ZONING APPLIED TO LARGER LOTS, ONE ACRE OR LARGER IN SIZE ALONG LAKE AUSTIN. THE CURRENT MINIMUM LOSS REQUIREMENT IS 1 ACRE OR 43,560.....43,560.....43,560 SQUARE FEET, SO RIGHT NOW UNDER THE CURRENT ORDINANCE THEY'D HAVE A LIMITATION OF ONLY ONE UNIT. THE PROPERTY IS A LEGAL TRACT AND NOT SUBJECT TO SUBDIVISION. I UNDERSTAND THAT DAVID PETERSON HAS GIVEN SOME INDICATION TO STAFF THAT THE SUBDIVISION APPLICATION THAT WAS PREVIOUSLY FILED HAS BEEN OR WILL BE WITHDRAWN ON THIS PROPERTY UNDER THE SF-2 DESIGNATION ORIGINALLY THERE WAS A REQUEST I THINK TO DEVELOP FOUR LOTS GIVEN THE WITHDRAWAL OF SUBDIVISION APPLICATION, IT WOULD ONLY BE ABLE TO DEVELOP AS A SINGLE LOT. UNDER THE WATERSHED REGULATIONS THAT PERTAIN TO THIS PROPERTY, IF THEY DID COME IN AND ASK FOR RESUBDIVISION OF THE PROPERTY -- TO SUBDIVIDE THE PROPERTY, THERE WAS A MINIMUM 2-ACRE PER DWELLING UNIT LIMITATION, SO THAT IT WOULD BE NECESSARY TO SEEK A WATERSHED VARIANCE IN ORDER TO DEVELOP THAT AT A GREATER DENSITY. NO WATERSHED VARIANCE IS REQUIRED, THOUGH, DEVELOPED AS THE TRACT STANDS AS A SINGLE UNIT ON THE PROPERTY, SINGLE DWELLING UNIT. THERE IS A VALID PETITION THAT'S BEEN FILED, AN OPTION REQUEST AND STANDS AT APPROXIMATELY 67 1/2%, AND WITH THAT I THINK I'LL PAUSE AT THIS TIME. THE

SURROUNDING PROPERTIES IN THIS AREA ARE DEVELOPED WITH SINGLE-FAMILY HOMES. THE MAJORITY OF THE LAND IS ZONED SF-2 OR SINGLE-FAMILY STANDARD LOT. THE MINIMUM LOT SIZE IS 5750, BUT GIVEN THAT THIS IS A LEGAL TRACT THEY WOULD BE ABLE TO DEVELOP A SINGLE HOME ON THIS PROPERTY AND NOT MORE THAN THAT WITH THE ZONING AND WITH THE LEGAL TRACT DESIGNATION AND NO RESUBDIVISION.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT, THEN WE'LL CONDUCT OUR PUBLIC HEARING. WE'LL START WITH FIVE-MINUTE PRESENTATIONS FROM THE APPLICANT AND/OR OWNER OR AGENT. THEN WE HEAR FROM FOLKS IN SUPPORT OF THE ZONING, FOLKS IN OPPOSITION AND THEN THE ONE TIME REBUTTAL FROM THE APPLICANT. WELCOME.

THANK YOU, MR. MAYOR, COUNCIL MEMBERS. MAY NAME IS DAVID PETERSON. I'M THE PROPERTY OWNER. I CURRENTLY LIVE IN THE NEIGHBORHOOD ACROSS THE STREET FROM THE PROPERTY. I'M ONE OF THE LARGEST PROPERTY OWNERS IN THE AREA. MY FAMILY AND I OWN APPROXIMATELY THE TEN HOUSES THE PROPERTY ADJOINS. I HAVE A VESTED INTEREST IN THE DEVELOPMENT OF THIS PROPERTY. THE REASON FOR MY REQUEST, WHEN I PURCHASED THE SITE IT WAS CLASSIFIED AS AN [INDISCERNIBLE] LOT. I COULDN'T OBTAIN AND PERMIT GOING THROUGH THE SUBDIVISION PROCESS. DURING THAT PRODUCT. DAVID WALL GREEN RECOMMENDED A ZONING CHANGE. I MET WITH THE LAND FROM THE DEPARTMENT AND THEY RECOMMENDED THE ZONING CHANGE. I RECOMMENDED THE ZONING CHANGE AND THE CITY STAFF IS RECOMMENDING TO YOU TONIGHT THAT YOU CONSIDER THE CHANGE SO THE PROPERTY CONFORMS WITH THE NEIGHBORHOOD. THE ZONING CODE STATES THAT THE CITY WILL NOT DENY ME THE SAME RIGHTS AS MY CONTIGUOUS NEIGHBORS. THERE ARE NO CONTIGUOUS PROPERTIES THAT ARE ZONED LA. AT LEAST THREE OF THE PROPERTIES THAT DID CONFORM TO LA ZONING HAVE HAD THEIR ZONING CHANGED FROM SF -- OR EXCUSE ME ME, FROM LA TO SF AND I'LL JUST PUT THESE MAPS UP, IF I MAY. THANK YOU. IN MY OPINION, THIS IS A REASONABLE REQUEST. THE CITY STAFF IS RECOMMENDING CHANGE. I CITED ZONING CODE

WHICH ALLOWS THE CHANGE. I'VE SHOWN A CLEAR PRECEDENCE FOR SIMILAR CHANGES IN THE NEIGHBORHOOD. THE ONLY REAL OPPOSITION OR I GUESS THE ONLY OPPOSITION THAT YOU PROBABLY SHOULD CONSIDER TONIGHT IS THE PETITION. SO MATTHEW, WILL YOU PUT UP THAT PETITION FOR ME? PLEASE COMPARE THE NUMBER OF NAMES THAWR OBJECTING TO THE ZONING CHANGE THAT HAVE ALREADY HAD THEIR ZONING OF THEIR PROPERTY CHANGED FROM LA TO SF. EIGHT OF THE 16 PETITIONERS HAVE HAD THEIR PROPERTY CHANGED FROM LA TO SF. THREE MORE HAVE PURCHASED PROPERTIES THAT WERE PREVIOUSLY CHANGED FROM LA TO SF.. ONLY ONE OF THE 16 PETITIONERS HAD AND CONFORMS TO LA ZONING. THANK YOU.

MAYOR WYNN: THANK YOU, MR. PETERSON. QUESTIONS OF THE APPLICANT, COUNCIL?

KIM: I HAVE.....

I HAVE ONE QUESTION?

HOW MANY UNITS DID YOU SAY YOU WERE WANTING TO BUILD ON THIS PROPERTY?

WITH THE CURRENT WATERSHED RESTRICTION I CAN ONLY BUILD ONE PROPERTY.

YOU CAN ONLY BUILD ONE?

YES.

WHEN I WAS IN THE SUBDIVISION PROCESS I WAS BREAKING THE PROPERTY UP INTO FOUR JUST BECAUSE IT WAS A LOGICAL WAY TO BREAK UP THE PROPERTY. IF..AT SOME FUTURE TIME CITY AND WATER WAS PROVIDED TO THE AREA -- RIGHT NOW WE DON'T HAVE CITY WATER OR CITY SEWERS. AND WE WERE ON A TEN-YEAR PLAN. I KNOW WE'RE NOT ON A.. A TEN-YEAR PLAN FOR CITY WATER OR SEWERS, BUT I WANTED TO HAVE THE POTENTIAL TO DEVELOP THE PROPERTY AT A LATER DATE, 15, 20 YEARS FROM NOW. I DIDN'T WANT TO HAVE TO GO THROUGH THE

PROCESS TWICE.

MAYOR WYNN: WHAT, YOU'RE NOT ENJOYING IT THIS TIME AROUND? [LAUGHTER]

MAYOR WYNN: SORRY. ARE THERE QUESTIONS FOR THE APPLICANT? COMMENTS? THANK YOU, MR. PETERSON.

THANK YOU.

MAYOR WYNN: SO WE'LL NOW HEAR FROM FOLKS WHO HAVE SIGNED UP IN OPPOSITION TO THE ZONING CASE. OUR FIRST SPEAKER IS TO... TOMMY TOLLS. WELCOME, MR. TOLLS. IS ROBERT AND DON.... DONNA TALL BERT HERE? WELCOME. AND HOW ABOUT MARK MATHIAS HERE? HOW...HOW ABOUT EMPLOYED HINGESSINGS? MR. TILLS,..... HINGES.

THANK YOU, MR. MAYOR, TOMMY TOLLS AND I DO LIVE IN THE AREA ANN I'M HERE REPRESENTING 40 MEMBERS POSING AS NOTED BY THEIR SIGNATURES ON THE PETITION. AND I'LL PRESENT A BRIEF SUMMARY ON OUR PETITION TO WHY WE'RE IN SUPPORT OF MAINTAINING THE EXISTING LA ZONING. IF I COULD CLARIFY THE BASIC ISSUE HERE TONIGHT IS THE INTEGRITY OF THE LAKE AUSTIN ZONE. THE PREDECESSORS TO YOURSELF ESTABLISHED THE LAKE AUSTIN ZONING FOR SPECIFIC REASONS AND WE'RE HERE TO TALK ABOUT ARE THOSE VALID OR ARE THEY NOT, IS THE BASIC COMMENT HERE, AND WE ASK THAT YOU RULE IN FAVOR VALID REASONS TO HAVE A LAKE AUSTIN ZONE AND THE DEVELOPMENT CAN BE DONE WITHIN THOSE GUIDELINES..... GUIDELINES. I'D ALSO LIKE TO STATE BEFORE I ADDRESS THE SIX POINTS THAT WE THE COMMUNITY ARE IN FAVOR OF DEVELOPMENT OF THE PROPERTY AS A NUMBER OF FALLEN TREES IN THE AREA AND OTHER DEBRIS IS BEGINNING TO COLLECT. HOWEVER, WE ARE IN FAVOR OF SMART DEVELOPMENT AND THAT IS IN ALIGNMENT WITH WHAT IS OUTLINED BY THE LA ZONING REQUIREMENTS. I'D ALSO LIKE TO NOTE MAKE MR. PETERSON WAS INVITE TO DO A COMMUNITY MEETING TO TALK ABOUT OUR CONCERNS, TO ADDRESS THEM AT MULTIPLE POINTS AND HAS DECLINED, AND, IN...., IN FACT, HE ASKED FOR A DEFER ENS FROM THE PREVIOUS COUNCIL MEETING TO THIS ONE IN ORDER TO HAVE SOME TIME TO

COMMUNICATE WITH THE COMMUNITY AND FAILED TO ACCEPT OUR REQUEST FOR HAVING A COMMUNITY WIDE MEETING TO DISCUSS THE CONCERNS. SO I BELIEVE THAT WE ARE AT AN IMPASSE IN TERMS OF ANY FUTURE COLLABORATION. SO THERE ARE SIX KEY POINTS I'D LIKE TO ADDRESS WITH MY TIME TONIGHT. ONE IS RELATED TO THE ESTABLISHED PRECEDENT. THERE IS EXISTING PROPERLY IN THE AREA THAT IS ZONED LA AND THE OWNERS, MYSELF INCLUDED OF THOSE, EITHER HAVE OR ARE PLANNING TO DEVELOP WITHIN THE LA GUIDELINES, AND I THINK THE EQUAL STANDARDS SHOULD BE PLD TO PROPERTIES THAT ARE CONFORMING TO THE LA ZONING REQUIREMENTS. I'D LIKE TO SHOW A GRAPH OF WHERE MY HOME IS AND COMPARE SOME OF THE PROPERTIES. THE PROPERTY IN QUESTION IS OBVIOUSLY THE LA ZONE. THIS IS MY PROPERTY HERE, WHICH IS ACTUALLY SMALLER THAT I DEVELOPED APPROXIMATELY FOUR YEARS AGO WITHIN THE GUIDELINES OF LA ZONING AND DID NOT REQUIRE REZONING, AND IT'S MY BELIEVE THAT MR. PETERSON CAN DEVELOP HIS ONE HOUSE WITH THE EXISTING LA ZONING JUST AS I DID. AND WE CAN LEAVE THAT THERE BECAUSE I'M GOING TO COME BACK AND TALK ABOUT THAT A LITTLE BIT LATER. THE SECOND POINT THAT WE ARE PETITIONING AGAINST IS THE LIMITS TO IMPERVIOUS COVER IN TERMS OF MAINTAINING THE NEIGHBORHOOD ECOSYSTEM. CURRENTLY MUCH OF THE NEIGHBORHOOD'S RAINWATER RUN OFF, WE ARE NOT CURBED AND GUT ERD WITHIN THE CITY OF AUSTIN SO WE DON'T HAVE STREET MAINTENANCE. WE DON'T HAVE DRAINAGE SO IT'S A NATURAL DRAINAGE INTO THE LAKE AREA AND THIS LOT ACTUALLY SERVES AS A MAJOR RUNOFF AREA. THERE'S A NUMBER OF WATER RUNOFF POINTS AS WELL AS PLACES WHERE THERE'S POOLED WATER ON THIS PROPERTY AS IT MAKES ITS WAY BACK TO LAKE AUSTIN, WHICH IS THE PURPOSE AND OUR UNDERSTANDING OF HAVING BOTH THE LA ZONING AS WELL AS WHY THIS PROPERTY IS CERTIFIED AS THE DRINKING WATER PROTECTION ZONE, WHICH DOES LIMIT THE PROPERTY TO ONE HOME PER NET TWO-ACRE SITE, WHICH WOULD FURTHER, IN OUR OPINION, RATIFY THE APPROPRIATENESS OF LA ZONING, WHICH REQUIRES ONE ACRE PER ONE HOMESITE. SO IT MAKES SENSE THAT THAT'S ALL IN... IN ALIGNMENT THAT IT MAINTENANCE LA ZONING.

NO. 3 IS THE SEPTIC SITUATION. WE DO NOT HAVE CITY SEWER, AND SO THEREFORE ALL THE NEIGHBORHOODS ARE SUBJECT TO SEPTIC SYSTEMS. IF THERE IS MORE DENSE POPULATION -- SO ONCE A REZONING TAKES APPLIES AND THE PROPERTY IS SUBJECT TO WHOEVER OWNS THE PROPERTY, APPLY TO VARIANCES, GO FOR AGAINST THE -- AGAINST THE DRINKING WATER PROTECTION ZONE, TRY TO GO FOR MORE AND MORE HOMESITES WHICH MEANS MORE AND MORE SEPTIC SYSTEMS ON THIS LOT RIGHT IN THAT CRITICAL DRAINAGE AREA AND ALL OF THE NEIGHBORS ALSO DON'T HAVE WATER SERVICE FROM AUSTIN SO WE ALL PULL OUR WATER RIGHTS FROM THE LAKE AND NATURALLY WE DON'T WANT A BUNCH OF SEPTIC FIELDS WASHING RIGHT INTO WHERE WE'RE PULLING IT AND OUR DRINKING WATER FOR OUR CHILDREN. NUMBER 4 IS IN TERMS OF THE COMMENTS MR. PETERSON RAISED ABOUT THE AREAS THAT HAVE RECEIVED REVERSAL FROM LA ZONING. IT'S MY UNDERSTANDING IN THE 1983.....1983 TIME FRAME WHEN THE CITY ANNEXED THIS LAND AND CREATED THE LA ZONE, ALL OF THESE HOMES ARE ORIGINALLY LA ZONING BUT THE MAJORITY OF THE LOTS WERE ALREADY NONCONFORMING TO LA BECAUSE THEY HAD EXISTING HOMES, THEY ARE ALREADY SUBDIVIDED AS LESS THAN ONE ACRE SO IT WAS BASICALLY NONSENSICAL FOR THEM TO BE LA ZONED BECAUSE THEY OBVIOUSLY DID NOT MEET THAT REQUIREMENT. I'D LIKE TO POINT SOME OF THOSE OUT ON THE GRAPH AS WELL. AS I MENTIONED, THIS IS A CONFORMING LOT. MINE WAS A CONFORMING LOT. THERE ARE SOME OTHER LA DESIGNATIONS THAT ARE HERE FOR LARGER LOTS OF PROPERTY. ALL OF THESE SMALL LOTS THAT ARE SHOWN HERE AS ALREADY EXISTING WITH EXISTING HOMES IN THE 1983 TIME FRAME WERE REVERSED BY THE CITY AS INDICATED BY THE ZONING AND PLATTING INDICATIONS, THE 83-83-83- -- IT'S MY UNDERSTANDING WITH THE CITY CONVENTION THAT MEANS THAT WAS ALL DONE IN 1983. THE LIST THAT MR. PETERSON SHOWED OF EVERYBODY -- THAT WAS ALL DONE IN 1983 BECAUSE NONE OF THOSE LOTS WERE CONFORMING. THIS IS A CONFORMING LOTS SO THE RULES ARE DIFFERENT FOR CONFORMING LOTS VERSUS NONCONFORMING LOTS. POINT NO. 5 IS IF THERE IS POTENTIAL INCREASED DENSITY BEYOND ONE HOME HERE THAT WOULD HAVE A NEGATIVE

EFFECT ON OUR ROAD SYSTEMS. AS I MENTIONED, THE CITY OF AUSTIN DOES NOT MAINTAIN THE ROADS. IT'S IN SOME SORT OF DISREPAIR, PRIVATELY MAINTAINED ZONES. SF ZONING WHICH AGAIN WOULD ALLOW THE OPPORTUNITY FOR FUTURE DEVELOPERS TO HAVE MULTIPLE HOMESITES WITH VARIANCES, WOULD CREATE A NEGATIVE ADVERSE EFFECT TO THE ROAD QUALITY, WHICH THEN PUTS A FURTHER BURDEN ON THE REST OF THE NEIGHBORHOOD FOR THE EXTRA CAR TRIPS THERE. AND SINCE THE CITY OF AUSTIN DOESN'T MAINTAIN THE ROAD AND WE DO, WE'RE ASKING YOU TO SUPPORT THE LA ZONING TO PROTECT THE INTEGRITY OF THE ROAD. AND THE SIXTH POINT IS SIMILARLY RELATED TO THAT. UNFORTUNATELY THE GRAPH THAT WE SEE DOESN'T CORRECTLY REFLECT THE ACTUAL NATURE OF THE NEIGHBORHOOD. IT SHOWS A VERY NICE ROAD PATH. IT'S ACTUALLY A ONE LANE ROAD, VERY NARROW, AND WHEN PEOPLE ARE WALKING OR THEIR CHILDREN ARE RIDING THEIR BIKES WE DON'T HAVE SIDEWALKS. IT'S ALREADY SOMEWHAT DANGEROUS TO BE WALKING ON THAT ROAD AND THAT'S THE ONLY PLACE YOU CAN WALK. IF THIS PROPERTY IS REZONED, HAS THE POTENTIAL FOR HIGHER DENSITY DEVELOPMENT, THAT'S GOING TO FURTHER INCREASE THE TRAFFIC SITUATION AND THE SAFETY OF PEDESTRIANS, BICYCLISTS AND CHILDREN PLAYING. I WOULD ALSO LIKE TO NOTE THAT BECAUSE OF ALL THESE REASONS AS WELL AS THE DRINKING WATER PROTECTION ZONE, WHICH REQUIRES A MINIMUM SITE AREA OF TWO ACRES PER ONE HOMESITE, THE ZONING AND PLANNING COMMISSION VOTED 8-0 AGAINST REZONING AND WE ARE HERE TOGETHER ASKING YOU TO DO THE SAME, MAKE A FINAL RULING TONIGHT TO MAINTAIN THE LAKE AUSTIN ZONING AND TO SUPPORT THE INTENT OF THAT ZONING THAT I DEVELOPED UNDER -- AND THAT YOU'RE HOLDING OTHER PEOPLE THAT HAVE CONFORMING LOTS ALONG LAKE AUSTIN TO DEVELOP WITHIN THESE GUIDELINES, AND MR. PETERSON SHOULD ADHERE TO THE SAME GUIDELINES. I'D LIKE TO AT THIS POINT ASK THE MEMBERS WHO -- I GUESS I'D SAY ONE OTHER POINT IS ON THE PETITION I KNOW THE CITY COUNCIL LOOKS AT THE 200 FEET PERIMETER. WE HAVE SOME 65 TO 70% SIGNATURES ON THERE. THE ITEMS IN RED REPRESENT THE LANDOWNERS OUTSIDE THE 200-FOOT THAT HAVE ALSO

SIGNED THE PETITION. I KNOW THAT DOESN'T COUNT TOWARD THE PETITION STATUS DID....BUT IT DOES SHOW OVERWHELMING SUPPORT IN THE COMMUNITY OF MAINTAINING THE INTEGRITY. AND I'D LIKE TO INVITE THE NEIGHBORS WHO ARE HERE TONIGHT TO STAND IN SUPPORT OF THE COMMENTS I'VE MADE. THANK YOU. AT THIS TIME I WOULD WELCOME ANY QUESTIONS FROM CITY COUNCIL.

MAYOR WYNN: THANK YOU, MR. TOLLS. QUESTIONS FOR MR. TOLLS, COUNCIL? THANK YOU, SIR.

THANK YOU.

MAYOR WYNN: OUR NEXT SPEAKER IS BRUCE WEXINGER. SORRY IF I MISPRONOUNCED THAT. IS GINA BLACK HERE? HELLO, MS. BLACK. ELINOR POWELL? BRUCE BLACK? AND IN THIS..... MICKY.Y INK.

YOU'LL HAVE UP TO 15 MINUTES FEW NEED IT.

MR. TOLLS DID A FINE JOB SUMMARIZING OUR ISSUES. I AM A HOMEOWNER WITHIN 200 FEET AND I AM HERE REPRESENTING OUR NEIGHBORHOOD AND MYSELF AND OPPOSED TO MR. PETERSON'S REQUEST. THE PURPOSE OF LA ZONING AS MY UNDERSTANDING WAS THAT DURING -- DURING THE EARLY '80S, AS WE ALL KNOW, AUSTIN HAD SIGNIFICANT GROWTH AND THERE WAS A LARGE CONCERN ABOUT THE PROLIFERATION OF HALF ACRE AND SMALLER ACRE LOTS ALONG LAKE AUSTIN, WHICH IS CITY'S PRIMARY DRINKING WATER SUPPLY. AND MORE DEVELOPMENT, MORE SEPTIC TANKS INCREASES POTENTIAL FOR POLLUTION OF THE CITY'S DRINKING WATER SUPPLY. THE CITY HAS SPENT, IN ADDITION -- EXTREME AMOUNTS OF MONEY, WHICH RIGHTFULLY SO, PROTECTING THE WATERSHED OF BARTON SPRINGS, WHICH ALSO CONTRIBUTES NOT ONLY TO THE JEWEL OF THE CITY BUT PARTIALLY TO THE DRINKING WATER OF THE CITY AS WELL, AND WE WOULD ANTICIPATE OR EXPECT THAT THE SAME SORT OF PROTECTION ALONG LAKE AUSTIN, WHICH IS BY FAR THE LARGEST DRINKING WATER SUPPLY OF THE CITY, TO BE MAINTAINED, AND BACKTRACKING FROM A LA TO A SF-2 OR ANY OTHER ZONING THAT WOULD ALLOW POTENTIAL FOR INCREASED

DEVELOPMENT I BELIEVE IS GOING THE WRONG DIRECTION IN PROTECTING THE DRINKING WATER SOURCE OF AUSTIN. MAYBE -- I'D LIKE TO MAYBE GIVE A LITTLE BETTER FLAVOR OF THE NEIGHBORHOOD. YOU KNOW, YOU'VE HEARD WE HAVE NO SIDEWALKS. HE..WE HAVE NO SEWER. WE HAVE NO CITY WATER. WE HAVE NO ROAD MAINTENANCE. THAT IS ALL TRUE, BUT WE STILL, AS YOU CAN TELL BY THE OPPOSITION TO THIS REQUEST, WE LOVE OUR NEIGHBORHOOD. WE VALUE OUR NEIGHBORHOOD, AND WE VALUE WHAT..... WHAT HAS TRANSPIRED IN THE NEIGHBORHOOD OVER THE LAST 50, 60, 70 YEARS, AND WE WANT TO MAINTAIN THAT AS LONG AS POSSIBLE. INCREASED DEVELOPMENT IS NOT THE WAY WE BELIEVE THAT WILL RESULT. ON ONE SIDE OF THE NEIGHBORHOOD IS THE AUSTIN COUNTRY CLUB GOLF COURSE, SO WE DON'T WORRY ABOUT DEVELOPMENT THERE. AT THE LAKE ON THE OTHER SIDE, IN ORDER TO GET TO THIS AREA WHERE THIS TRACT OF LAND IS, WHICH ESSENTIALLY IS IN THE HEART OF OUR NEIGHBORHOOD, YOU HAVE TO CROSS A ONE LANE WOODEN BRIDGE THAT'S ABOUT 10 1/2 FEET ACROSS. YOU CAN'T DRIVE TWO CARS. IT'S ONE CAR LANE, A WOODEN BRIDGE. SO -- AND THEN IT GOES ON ALL PRIVATE ROADS, WHICH I PERSONALLY HAVE OVER THE YEARS, YOU KNOW, BOUGHT THE CONCRETE, SHOVELED THE CONCRETE INTO THE POTHoles AND HELPED MAINTAIN IT, SAME AS MY OTHER NEIGHBORS. SO WE'RE HANDS ON NEIGHBORHOOD THAT TAKES CARE OF OUR NEEDS. IF YOU INCREASE DEVELOPMENT TO WHERE YOU HAVE POTENTIAL NUMEROUS HOMES, IT'S NOT -- IT'S NOT A NORMAL SUBDIVISION, IT'S NOT A NORMAL AREA FOR FLOW-THROUGH TRAFFIC. IT'S A DEAD END, REALLY, AND IT'S REALLY ONE LANE, AND AS MR. TOLL SAID, YOU KNOW, PEOPLE WALK THERE, THEY BIKE THERE. SMALL CHILDREN RIDE THEIR BIKES, AND ANY INCREASED TRAFFIC AT ALL IS PROBABLY TOO MUCH FROM WHAT WE ALREADY HAVE. NO ONE IS AGAINST MR. PETERSON DEVELOPING THIS PROPERTY. WHEN HE BOUGHT THE PROPERTY HE KNEW IT WAS ZONED LA. MR. TOLLS WAS IN THE SAME POSITION. HE..WHEN HE DEVELOPED THIS PROPERTY WITH LA, AND MR. PETERSON INDICATES THAT HIS DESIRE IS TO BUILD ONE UNIT ON THAT PROPERTY. YOU...HE CAN DO THAT NOW UNDER LA. NO CHANGE IS REQUIRED. THE OPPOSITION GOES AWAY. IF HE WANTS TO BUILD ONE UNIT ON HIS LA

LOT, THAT'S PERFECTLY FINE WITH US AND WE WELCOME HIM. HE'S BEEN WELCOME IN OUR NEIGHBORHOOD. WE'D WELCOME HIM TO STAY IN OUR NEIGHBORHOOD. I GUESS THE LAST ONE I'D LIKE TO TALK ABOUT IS THE SEPTIC TANKS. WE'RE ALL ON SEPTIC TANKS AND OF COURSE ANY KIND OF INCREASE TO THE NUMBER OF SEPTIC TANKS AND DENSITY OF SEPTIC TANKS, MOST -- THE WATER DRAINS TO - - AND ANY DRAINAGE FROM SEPTIC TANKS, NO MATTER WHAT YOU THINK, IS LAKE AUSTIN, WHICH IS OUR DRINKING WATER SUPPLY. WE TREAT OUR OWN WATER AND YOU AS THE CITY TREATS THE WATER FOR CITIZENS OF AUSTIN TOO, BUT WE TREAT OUR WATER. WE WANT TO MAINTAIN LAKE AUSTIN IN THE HIGHEST QUALITY AS POSSIBLY WE CAN, AND ONE WAY TO DO THAT IS THE ORIGINAL INTENT OF LA ZONING IS NOT TO HAVE VERY DENSE DEVELOPMENT ALONG LAKE AUSTIN. SO AS MR. TOLL SAID, WHILE THE NEIGHBORHOOD MAY NOT HAVE STREETS, MAY NOT HAVE GUTTERS, MAY NOT HAVE CITY ROADS AND CITY SERVICES, WE DO HAVE PRIDE IN OUR NEIGHBORHOOD AND AS YOU CAN TELL BY THE PETITION, EVEN WITHIN THE 200%, 67% OF THE PEOPLE ARE OPPOSED TO THIS, AND IF YOU LOOK OUT A WIDER AREA, ANNE GREATER%, WE WOULD REQUEST THAT YOU HONOR THE PEOPLE WHO LIVE IN THE NEIGHBORHOOD'S REQUEST THAT YOU DENY THIS REQUEST, LEAVE IT AT LA ZONING AND ALLOW MR. PETERSON TO DEVELOP HIS ONE UNIT ON HIS LA ZONED LOT IN CONFORMANCE WITH LA ZONING. THANK YOU. I'LL ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

MAYOR WYNN: THANK YOU, BRUCE. QUESTIONS, COUNCIL? THANK YOU, SIR. OUR LAST SPEAKER IS BRENT COVERT. THANK YOU, BRENT, WE'LL SHOW YOU AND THOMAS HINGES ALSO IN OPPOSITION. MR. PETERSON, WE NOW SAVE TIME FOR THREE MINUTE REBUTTAL. YOU'RE WELCOME TO COME ADDRESS US AGAIN.

THANK YOU, MR. MAYOR.

MAYOR WYNN: IS THERE ANYBODY ELSE WHO IS SIGNED UP IN OPPOSITION WANTING TO SPEAK? FAIR ENOUGH, SO EXCUSE US, MR. PETERSON. YOU MUST BE THOMAS INKS. COME FORWARD. YOU HAVE THREE MINUTES. WELCOME.

MAYOR WYNN: GIVE TIME TO BRENT COVERT.

HE'S A GOOD MAN. I'D LIKE ALSO TO POINT OUT THAT THESE LOTS ARE 43,000 SQUARE FEET. I MEAN, 200-FOOT PERIMETER DOESN'T EVEN BEGIN TO JUSTIFY WHAT THE NEIGHBORHOOD FEELS WHENEVER YOU ADD THAT -- AND 200 FEET IS NOT THAT BIG IN COMPARISON TO 43,000 SQUARE FEET. WHENEVER YOU GET TO THE CENTER OF THE LOT -- I'VE HAD LIVED THERE MY ENTIRE LIFE AND I DON'T ACTUALLY OWN PROPERTY. MY FATHER DOES, BUT I FEEL THAT THIS WOULD NOT SERVE THE COMMUNITY WELL, AND GROWING UP THERE I USED TO SIT OUT IN THE FRONT YARD, RIDE MY BIKE, AND I KNEW ALL THE CARS THAT DROVE BY, I'D WAVE, MR. TALL BOUGHT, EVERYBODY ELSE. I HAD FAMILY THERE, FRIENDS THERE. WE ALL GOT ALONG GREAT. THAT'S ALL I'VE GOT TO SAY.

MAYOR WYNN: THANK YOU, MR. INKS. SO MR. PETERSON, YOU HAVE TIME FOR REBUTTAL. WELCOME BACK.

OKAY. ONCE AGAIN, I'LL JUST SHOW THESE ARE THE MAPS THAT CLEARLY SHOW ZONING CASES WHERE THE PROPERTIES DID CONFORM TO LA ZONING AND WERE CHANGED. HERE'S TWO TRACTS. ONE IS APPROXIMATELY 4 ACRES. THE OTHER ONE IS 9, AND THEN HERE'S THE PROPERTY IN QUESTION. AND THIS PROPERTY IS 1.2 ACRES. AND THEN HERE'S THE PROPERTY WITH THE OTHER TWO LOTS BEHIND IT. SO CLEARLY SHOWS PRECEDENCE FOR ZONING CHANGE IN MY NEIGHBORHOOD. MR. TOLLS AND MR. WASSINGER BOTH TALKED ABOUT SEPTIC SYSTEMS, AND ENVIRONMENT AND THE ISSUES THAT THEY HAVE WITH THAT. I THINK IT'S IMPORTANT TO NOTE, AS MR. TOLLS SAID, HE COMPLETED HIS HOUSE APPROXIMATELY FOUR YEARS AGO, AND MR. WHAT ISINGER JUST MOVED INTO HIS HOME. I'D LIKE TO SHOW YOU ONE OTHER MAP, IF I MAY. I.I CAN DO IT WITH THIS MAP, I GUESS. HERE IS BETTER. MR. WASSINGER CAN CORRECT ME IF I'M WRONG, BUT I BELIEVE THIS IS HIS PROPERTY HERE. IS IT ONE OVER? ONE OVER. THIS ONE HERE THAT'S -- YEAH, THIS IS HIS LOT HERE. HE JUST BUILT, ACCORDING TO COUNTY RECORDS, 135 -- HUNDRED SQUARE FEET HOUSE ON THAT LOT.

[INAUDIBLE]

PLEASE.

BASICALLY THE IMPLICATION THAT MR. PETERSON TRIED TO SAY AT THE PLANNING ZONING COMMISSION AS WELL THAT, YOU KNOW, WE'RE COMPLAINING ABOUT SEPTIC TANK PROLIFERATION AND SOMEHOW I PUT IN A SEPTIC TANK AND PROLIFERATED. FACT OF THE MATTER IS THAT I PURCHASED MY PROPERTY, WHICH ALSO GOES ACROSS THE ROAD AND IS WITHIN THE 200 ACRE-FEET, HAS 7 CONTENTS OF AN ACRE. WHEN I PURCHASED MY PROPERTY THERE WAS AN EXISTING HOME WITH OPEN -- HAD NO SEPTIC TANK. ESSENTIALLY HAD A BOTTOM PIT. I REPLACED THAT IN CONFORMANCE WITH THE CITY OF AUSTIN'S SEPTIC REGULATIONS. HE I OWNED THAT HOME AND MAINTAINED THAT HOME UNTIL APPROXIMATELY TWO YEARS AGO, IN WHICH I CAME TO THE CITY, WENT THROUGH ALL THE CITY'S REQUIREMENTS, EVERY REQUIREMENT THEY ASKED ME TO DO, TORE DOWN AN EXISTING HOME, REPLACED MY ENTIRE SEPTIC SYSTEM THAT HAD BEEN IN PLACE FOR 15 YEARS AND WE PLACED -- USED UP MY ENTIRE BACK LOT, HALF AN ACRE, FOR A NEW DRAIN FIELD COMPLYING WITH ALL OF THE CITY'S EXISTING SEPTIC TANK REQUIREMENTS. SO PROLIFERATION IS ZERO. IT'S ONLY AN IMPROVEMENT, AND THAT'S WHY I GOT MY THINGS APPROVED, AND SO I JUST WANT TO MAKE SURE THAT POINT IS MADE. THERE'S NO PROLIFERATION, AND I IMPROVED THE WATER QUALITY.

MAYOR WYNN: THANK YOU, MR. WASSINGER.

LIKE I SAID, MY POINT THAT I WAS TRYING TO MAKE IS THAT THEY BOTH RECENTLY COMPLETED NEW HOMES ON SEPTIC. AND THEN THEY ALSO TALKED ABOUT THE ROADS. I'M THE ONLY NEIGHBORHOOD -- AND MY BROKE ACROSS THE STREET, THAT HAVE EACH DEDICATED 25 FEET ANNUAL CHANNEL ROAD TO THE CITY SO THAT ROAD COULD BE IMPROVED. NONE OF THE OTHER NEIGHBORS HAVE DONE SO ON BOTH SIDES. SO I THINK THAT'S KIND OF A MISCONCEPTION FOR THEM TO TALK ABOUT THE ROAD CONDITIONS AND TRAFFIC WHEN THEY'RE NOT WILLING TO STEP UP AND DEDICATE THE PROPERTY TO THE CITY TO IMPROVE THE AREA. OKAY. I BELIEVE THAT'S THE POINTS I

WANT TO MAKE. THANK YOU.

MAYOR WYNN: OKAY. THANK YOU, MR. PETERSON.
QUESTIONS OF THE APPLICANT, COUNCIL? MAYOR PRO TEM.
OKAY. THEN FOR STAFF. THANK YOU, MR. PETERSON. MR.
GUERNSEY?

GUERNSEY: MR. GUERNSEY, WE REALLY DON'T GET A LOT
OF THESE TYPE OF ZONING CASES WITH LA ZONING, SO
WE'RE PROBABLY NOT AS FAMILIAR WITH IT AS WE COULD
BE, BUT I'D LIKE TO KNOW THE DIFFERENCE BETWEEN IN
THE LA ZONING YOU SAY HE COULD GET ONE UNIT.

GUERNSEY: THAT'S RIGHT. THE MINIMUM LOT AREA
REQUIREMENT IN LA DISTRICT IS 43,560 SQUARE FEET, OR
ONE ACRE, SO GIVEN THAT THE PROPERTY IS LESS THAN
TWO ACRES IN SIZE --

YEAH, I.. HE CAN ONLY -- SO HE CAN GET ONE LOT THERE. IF
WE WERE TO ZONE THIS SF-2 AND RESTRICT HIM TO ONE
UNIT, WHAT WOULD BE THE DIFFERENCE BETWEEN THE LA
ZONING WITH ONE UNIT AND THE SF-2 WITH ONE UNIT.

THERE WOULD BE IMPERVIOUS COVER DIFFERENCES.

AND WHAT IS THAT DIFFERENCE?

THE IMPERVIOUS COVER ON THE SF-2 DISTRICT IS 45%. IN
THE LA DISTRICT, DEPENDING ON WHEN THAT LOT WAS
CREATED, MAYBE ANYWHERE BETWEEN 20 AND 30% FOR
ZONING REGULATION.

OKAY.

GUERNSEY: 20%. AND SO THERE ARE DIFFERENT SETBACKS
AS WELL. THE SETBACKS ARE 25 FEET FOR THE FRONT, 5
FEET -- 10 FEET FOR THE REAR AND THEY'RE MUCH LARGER
FOR THE LA DISTRICT. I'D HAVE TO GO BACK AND ACTUALLY
LOOK BECAUSE I HAVEN'T MEMORIZED THOSE OFF THE TOP
OF MY HEAD. THOSE ARE PROBABLY THE PRINCIPAL
DIFFERENCES. IT'S 40 FEET FOR THE FRONT YARD, 25 FEET
FOR A STREET SIDE YARD BUT THAT'S ONLY -- DOESN'T
HAVE A STREET SIDE YARD, AND 10 FEET FOR THE SIDE, AND

20 FEET FOR THE REAR.

DUNKERLEY: DO YOU KNOW WHAT SIZE HOME HE'S TRYING TO BUILD?

GUERNSEY: NO, HE WOULD HAVE TO ANSWER THAT. I'M NOT AWARE OF THE EXACT SIZE OF THE HOUSE THAT HE'S TRYING TO CONSTRUCT. IT WOULD NOT BE SUBJECT TO THE NEW RESIDENTIAL REGULATION. IT WOULD NOT BE SUBJECT TO THE NEW RESIDENTIAL DESIGN REGULATION. IT'S OUTSIDE OF THAT AREA.

MAYOR WYNN: ARE THERE COMMENTS, QUESTIONS, COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: THIS IS FOR MR. GUERNSEY. SO UNDER THE CURRENT ZONING HE OBVIOUSLY ONLY CAN HAVE ONE HOUSE, AND EVEN IF HE HAD SF-2 HE COULD ONLY HAVE ONE HOUSE BECAUSE OF THE REQUIREMENT FOR ACHE -- ACREAGE REQUIREMENT FOR SEPTIC. IS THAT CORRECT?

GUERNSEY: THAT MAY BE TRUE TOO. THE LIMITATION, IF HE HAD SF-2 ZONING, GIVEN THAT IT'S ONLY A LEGAL TRACK, HE CAN ONLY CONSTRUCT ONE LOT, UNLESS HE PURSUED A SUBDIVISION, AND IF HE DID CONTINUE WITH A SUBDIVISION APPLICATION, WATERSHED REGULATION THAT HE WOULD BE SUBJECT TO, THERE'S A TWO ACRE MINIMUM REQUIREMENT PER UNIT, DWELLING UNIT. SO HE WOULD HAVE TO SEEK A VARIANCE FROM A WATERSHED REGULATIONS, SUBDIVISION THAT EVEN THINK ABOUT DOING MORE THAN ONE LOT.

LEFFINGWELL: IS THAT BECAUSE HE'S IN THE TRANSITION ZONE, THIS LOT IS IN THE TRANSITION?

GUERNSEY: I'M NOT SURE IF HE'S IN.....NOT SURE IF HE'S IN THE TRANSITION BUT THE WATERSHED IN GENERAL FOR AN UP LAND AREA WOULD LIMIT TO TO TWO, TWO ACRES PER SINGLE DWELLING UNIT.

LEFFINGWELL: I GUESS I'M TRYING TO FIGURE OUT WHAT GAINED BY GOING TO SF-2.

HE WOULD HAVE LESS OF A SETBACK REQUIREMENTS SO HE

COULD BUILD A BUILDING CLOSER TO THE LAKE OR TO THE STREET SIDE. HE'D HAVE SLIGHTLY MORE IMPERVIOUS COVER -- OR YOU WOULD HAVE MORE IMPERVIOUS COVER ON THIS PROPERTY, BY AT LEAST DOUBLING THE ZONING REGULATION.

IF WATER AND SEWER WERE PUT INTO THIS AREA HE WOULD BE ABLE TO APPLY FOR SUBDIVISION, SUBDIVIDE THE LOT AND THEN PERHAPS BUILD MORE THAN ONE HOUSE ON THE LOT; IS THAT RIGHT?

GUERNSEY: THAT'S CORRECT, BUT HE WOULD -- [APPLAUSE]

HE WOULD STILL HAVE TO SEEK VARIANCES IN THE FUTURE.

LEFFINGWELL: FOR THE TRANSITION AND I GUESS SOME SOME OF IT IS FLOOD PLAIN, OR IS IT? OKAY. THANKS.

DUNKERLEY: I HAVE ONE QUESTION.

MAYOR.....QUESTION.

IF WE PUT A CO ON THIS LIMITING IT TO ONE UNIT, WOULD THAT PREVENT THE SUBDIVISION?

IT WOULD LIMIT IT -- THAT'S CORRECT, IT WOULD LIMIT HIM TO A SINGLE DWELLING UNIT. IN ORDER TO SEEK MORE DWELLING UNITS HE WOULD ACTUALLY COME BACK BEFORE THE COMMISSION AND COUNCIL TO SEEK A REZONING TO INCREASE THAT NUMBER.

DUNKERLEY: THANK YOU.

GUERNSEY: AND I MAY HAVE NEGLECTED TO SAY THIS BEFORE BUT THIS IS ONLY TO... FOR FIRST READING ONLY.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: YEAH, I DON'T SEE A GOOD PLANNING PURPOSE FOR GRANTING THE ZONING SO I'LL MOVE TO DENY THE APPLICANT'S ZONING REQUEST AND TO GO WITH

THE STAFF RECOMMENDATION.

MAYOR WYNN: STAFF RECOMMENDATION WAS TO APPROVE.
THE PLANNING COMMISSION WAS TO DENY.

MCCRACKEN: I GO PLANNING COMMISSION
RECOMMENDATION. I'M MOVING TO DENY.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN
TO CLOSE THE PUBLIC HEARING AND DENY THE ZONING
CASE. SECONDED BY COUNCIL MEMBER LEFFINGWELL.
COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN
FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION TO DENY PASSES ON A
VOTE OF 7-0. [APPLAUSE]

MAYOR WYNN: COUNCIL, THAT TECHNICALLY -- MR.
GUERNSEY, WE POSTPONED ITEM 61 AS PART OF THE
CONSENT AGENDA, I BELIEVE. SO COUNCIL THAT TAKES US
TO OUR 6:00 PUBLIC HEARINGS AND POSSIBLE ACTIONS.
OUR -- I GUESS WE'LL TAKE THESE SEQUENTIALLY. ITEM NO.
-- -- ITEM NO. 62 IS CONDUCT A PUBLIC HEARING TO
CONDUCT..... APPROVE AN ORDINANCE ON THE EAST HE...
SIXTH STREET. WELCOME MR. MICHAEL NOX.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCIL. I'M
MICHAEL NOX AND I'M FROM THE OFFICE. ITEM NO. 62 IS
PART OF THE ANNUAL FUNDING FOR THE EAST SIXTH
STREET PUBLIC IMPROVEMENT DISTRICT. ON NOVEMBER 6,
2006 THE CITY COUNCIL APPROVED THE BUDGET AND A
SERVICE PLAN FOR THE DISTRICT. THE COUNCIL ALSO
APPROVED THE ASSESSMENT RATE AT 10 CENTS PER
HUNDRED VALUATION AND THE 3,000. STATE LAW REQUIRES
THE PUBLIC HEARING TO CONSIDER THE PROPOSED
ASSESSMENTS. APPROVAL OF THE ASSESSMENT RATE AND
PROPOSED ROLL ON NOVEMBER 16, NOTICES TO BE MAILED
TO PROPERTY OWNERS WITHIN THE AREA TO REVIEW THEIR
ASSESSMENTS PRIOR TO THE HEARING. THIS HEARING
TONIGHT ALLOWS PROPERTY OWNERS TO CHALLENGE THE
PROPOSED ASSESSMENTS OF INDIVIDUAL PROBABLE.

FOLLOWING THE PUBLIC HEARING THE COUNCIL WILL CONSIDER APPROVAL OF THE ORDINANCE ADOPTING THE 2007. THE COUNCIL WILL ALSO CONSIDER RELATED ITEM NO. 12 WHICH IS TO AMEND OF THIS BUDGET TO ACCOUNT FOR THE SIXTH STREET BUDGET.

MAYOR WYNN: THANK YOU, MR. NOX. QUESTIONS OF STAFF, COUNCIL? WE ACTUALLY HAVE NO CITIZENS SIGNED UP FOR EITHER ITEM NO. 12 OR THIS PUBLIC HEARING, ITEM FO. 61 --

DUNKERLEY: 62.

MAYOR WYNN: I'M SORRY, 62, EXCUSE ME. SO I'LL ENTERTAIN A MOTION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER COLE, SECONDED BY MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING AND APPROVE THE COMBINED ITEMS 62 AND 12. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0. ITEM 63, OUR DAA PIT.

ITEM 63 IS A FUNDING PROCESS FOR THE DOWNTOWN IMPROVEMENT DISTRICT, AND I WON'T GO THROUGH THE SAME DESCRIPTION BUT ESSENTIALLY THIS IS JUST THE SAME PROCESS FOR THE DOWNTOWN PIT AND ONCE THE COUNCIL CONDUCTS A PUBLIC HEARING WILL ACT TO ADOPT THE 2007 ASMENT ROLL AND ALSO TO ACT ON ITEM 13, WHICH IS THE RELATED BUDGET AMENDMENT.

MAYOR WYNN: THANK YOU, MR. NOX. QUESTIONS FROM STAFF, COUNCIL? IF NOT, WE DO HAVE ONE CITIZEN SIGNED UP, MR. ROSS SMITH. WELCOME.

THANK YOU, COUNCIL. I'D LIKE TO TALK TO YOU FOR A MOMENT JUST ABOUT FIRES. THERE HAVE BEEN SOME VERY SPEC.....SPECTACULAR FIRES IN THIS DISTRICT IN THE LAST COUPLE YEARS INVOLVING OLD BUILDINGS WITH OLD WIRING AND NONEXISTENT SPRINKLERS. IT'S VERY

EXPENSIVE TO RETROFIT ONE OF THESE BUILDINGS, AND MANY OF THEIR OWNERS OPERATE ON A THIN MARGIN, WHICH FOR THEM MEANS THEIR OPTIONS ARE TO LEAVE THE BUILDING DESPERATELY UNDER CODE OR SELL OUT TO SOMEONE WHO IS GOING TO TEAR IT DOWN AND BUILD SOMETHING NEW. NEITHER OF WHICH I THINK ARE GOOD OPTIONS. SO I WOULD LIKE TO SUGGEST THAT YOU EITHER LOOK INTO RAISING THIS ASSESSMENT OR CREATING A NEW ASSESSMENT FOR THIS DISTRICT TO FUND A FIRE SUPPRESSION FUND. THE FUND COULD BE USED FOR LOANS TO BUSINESS -- TO BUILDING OWNERS, TO COVER PART OF THE COST OF RETROFITS AND ALSO TO COVER THE COST OF ADDITIONAL HYDRANTS AND EXPANDED WATERWORKS TO KEEP UP WITH ALL THE BUILDING CONSTRUCTION THAT'S GOING ON IN THE DISTRICT. I THINK THAT YOU WOULD FIND MOST OF THE BUILDING OWNERS, OF OLD AND NEW BUILDINGS, WOULD BE PROBABLY INTERESTED IN THIS BECAUSE IT DOESN'T TAKE MUCH FOR A FIRE TO JUMP FROM AN OLD BUILDING TO A BRAND-NEW ONE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SMITH. AND WE HAD -- DAUGHERTY SIGNED UP NOT WISHING TO SPEAK IN THE PUBLIC HEARING WITH THE ASSESSMENT. ANY OTHER CITIZENS WHO WOULD LIKE TO ADDRESS THIS PUBLIC HEARING, ITEM 63, RELATED TO THE DOWNTOWN AUSTIN PID AND THE CORRESPONDING BUDGET AMENDMENT ITEM NO. 13? I SEE MR. CHARLIE BETS IS HERE TO ANSWER QUESTIONS IF WE HAVE THEM. HEARING NONE, I'LL -- IF THERE'S NO FURTHER QUESTIONS OR COMMENTS I'LL ENTERTAIN A MOTION.

LEFFINGWELL: I'LL..... MOVE CLOSE THE PUBLIC HEARING AND APPROVAL OF ITEM 63 AND 13. I HOPE I GOT THE NUMBERS RIGHT.

MAYOR WYNN: YOU DID. THANK YOU. MOTION BY COUNCIL MEMBER LEFFINGWELL, CLOSE THE PUBLIC HEARING, ITEM NO. 63 AND APPROVE THAT ORDINANCE AS WELL AS THE RELATED ITEM NO. 13. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. AND ITEM NO. 64, CONDUCT A PUBLIC HEARING REGARDING OUR CITY CODE, CLARIFICATION OF COMPATIBILITY STANDARDS. WELCOME BACK, MR. GUERNSEY.

GUERNSEY: MAYOR AND COUNCIL, GREG GUERNSEY. PLANNING AND ZONING DEPARTMENT. THIS IS AN AMENDMENT TO YOUR CODE AND IT DEALS WITH COMPATIBILITY STANDARDS AND SEEKS TO MODIFY THE CODE TO CLARIFY THE COMPATIBILITY STANDARDS APPLIED TO ANY DEVELOPMENT UNLESS THERE'S A SPECIFIC PROVISION OF CODE THAT SAYS THE STANDARDS DO NOT APPLY. AND THE SECOND PORTION RELATES TO COMPATIBILITY STANDARDS THAT -- FOR THE CONSTRUCTION OF RESIDENTIAL USE PERMITTED IN SF 5 OR MORE RESTRICTED DISTRICT. THE PROPOSED MODIFICATION CLARIFIES THAT THE EXCEPTION ONLY APPLIES IF THE DEVELOPMENT CLAIMING THE EXEMPTION COMPLIES WITH THE DEVELOPMENT REGULATIONS OF THE ZONING DISTRICT FOR WHICH THE EXEMPTION IS MADE. AND LET ME JUST CLARIFY WHAT THIS IS. VERY SIMPLY, IF YOU WERE DEVELOPING A CONDOMINIUM OR TOWNHOUSE PROJECT, WHICH IS AN SF 5 OR MORE RESTRICTIVE USE, AND YOU HAD TEN UNITS OR LESS, THAT WOULD BE EXEMPTED FROM COMPATIBILITY STANDARDS. BUT IF YOU WERE DEVELOPING 11 UNITS OR MORE, THAT WOULD BE SUBJECT TO COMPATIBILITY STANDARDS. AND THIS HAS BEEN THE STAFF'S INTERPRETATION FOR WELL OVER 20 YEARS THAT I'M AWARE OF, AND ACTUALLY WOULD ALLOW SMALL CONDOMINIUM TOWNHOUSE DEVELOPMENTS TO OCCUR IN MORE OR -- OR LESS DENSE RESIDENTIAL AREAS, MORE ON THEIR FRINGE, SOMETIMES AS IN-FILL DEVELOPMENT. BUT IF YOU ACTUALLY HAD A VERY LARGE CONDOMINIUM PROJECT OR TOWNHOUSE DEVELOPMENT THAT HAD MORE THAN 11 UNITS, THEN THEY WOULD BE SUBJECT TO COMPATIBILITY STANDARDS. SO THIS SIMPLY CLARIFIES THE SECTIONS OF THE CODE THAT SPEAK TO THAT ISSUE. AND THE PLANNING COMMISSION UNANIMOUS MUSTILY RECOMMENDED THIS TO YOU. IT'S ALSO RECOMMENDED BY STAFF.

MAYOR WYNN: AND ONE CITIZEN WHO SIGNED UP WISHING

TO ADDRESS THIS WHO HAS LEFT. JEFF JACKSONVILLE SIGNED UP WISHING TO SPEAK ALSO IN FAVOR. QUESTIONS FOR MR. GUERNSEY OR STAFF, COUNCIL? HEARING NONE I'LL ENTERTAIN A MOTION.

DUNKERLEY: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND MOVE APPROVAL OF ITEM 64.

MAYOR WYNN: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER COLE TO TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ITEM AS POSTED PRESENTED BY STAFF. FURTHER COMMENT? HEARING NONE ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. AND ITEM NO. 65, PUBLIC HEARING REGARDING AN AUSTIN ENERGY ISSUE.

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. MY NAME IS ANDY CURN -- I'M A ASSISTANT CITY ATTORNEY REPRESENTING AUSTIN ENERGY. ITEM 65 IS SIMPLY AN ORDINANCE TO INCREASE CERTAIN INFRASTRUCTURE ATTACHMENT AND USAGE FEES THAT AUSTIN ENERGY CURRENTLY CHARGES FOR THE USE OF ITS FACILITIES AND GROUNDS, PRIMARILY WITH TELECOM COMPANIES. THESE CHANGES ARE RELATIVELY MINOR IN SCOPE. BASICALLY THE FEES HAVEN'T BEEN RAISED SINCE 2001, AND AUSTIN ENERGY HAS DONE RESEARCH INTO THE MARKET, OTHER UTILITIES TO TRY TO BRING OUR FEES MORE IN LINE WITH WHAT THE MARKET IS CURRENTLY BRINGING AND ALSO TO INCREASE WAGES IN OUR COSTS IN ADMINISTERING THIS PROGRAM. THE EUC HAS RECOMMENDED THIS AND STAFF RECOMMENDED IT AS WELL.

MAYOR WYNN: THANK YOU, SIR. QUESTIONS OF STAFF, COUNCIL? COMMENTS? WE HAVE NO SPEAKERS SIGNED UP ON THIS ITEM, SO I'LL ENTERTAIN A MOTION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEARING HEARING AND APPROVED THE

MOTION. SECONDED BY LEFFINGWELL.

MAYOR WYNN: ALTHOUGH IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. IS THAT OUR AGENDA? THERE BEING NO MORE BUSINESS POSTED BEFORE THIS CITY COUNCIL MEETING. WE NOW STAND ADJOURNED. IT IS NOW 7:42 P.M.

End of Council Session Closed Caption Log